8661712/2024/VIG-VI-PRR01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public services - Surprise Check conducted by Anti Corruption Bureau on O/o Executive Engineer, RWS&S (P) Division, Vijayawada on the Allegations of corrupt practices & Irregularities on 11.01.2021 - Departmental Proceedings against Sri BVNSV Prasad, the then DAO(W), Grade-II, PRI Division, Vijayawada and DAO(W) Grade-II, RWS&S Division, Vijayawada (FAC) and now working as DAO(W) Grade-II, O/o EE, PRI Division, Ongole under the provisions of Rule 20 of AP Civil Services (CCA) Rules, 1991 - Articles of Charge – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.VI) DEPARTMENT

G.O.Rt.No.178 **Date : 26/02/2024**

Read the following:-

1. Radio Message, dt:12.01.2021 from the Addl.SP , ACB, Vijayawada Range, Krishna Dist.
2. Govt. Memo. No.1332739/Vig.VI/2021, dt:10.08.2021.
3. From the DG, ACB Rc No. 03/DES-VK1/2021-S9, dt:06.04.2023.

Order :-

It is proposed to hold an inquiry against Sri BVNSV Prasad, the then DAO(W) Grade-II, PRI Division, Vijayawada and DAO(W) Grade-II, RWS&S Division, Vijayawada (FAC) and now working as DAO(W) Grade-II, O/o EE, PRI Division, Ongole in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (CCA) Rules, 1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure-III and IV).

3. Sri BVNSV Prasad, the then DAO(W) Grade-II, PRI Division, Vijayawada and DAO(W) Grade-II, RWS&S Division, Vijayawada (FAC) and now working as DAO(W) Grade-II, O/o EE, PRI Division, Ongole is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defence.

4. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore specifically admit or deny each article of charge.

5. Sri BVNSV Prasad, the then DAO(W) Grade-II, PRI Division, Vijayawada and DAO(W) Grade-II, RWS&S Division, Vijayawada (FAC) and

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now working as DAO(W) Grade-II, O/o EE, PRI Division, Ongole is further informed that if he does not submit his written statement of defence on or before the date specified in para 3 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rules 20 of the APCS (CCA) Rules, 1991, or the orders/directions issued in pursuance of the said rules, the inquiring authority may hold the inquiry against him exparte, based on the material available on record.

6. Attention of Sri BVNSV Prasad, the then DAO(W) Grade-II, PRI Division, Vijayawada and DAO(W) Grade-II, RWS&S Division, Vijayawada (FAC) and now working as DAO(W) Grade-II, O/o EE, PRI Division, Ongole is invited to Rule 24 of the A.P. Civil Services (Conduct) Rules 1964, under which no Government Servant shall being or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from any person in respect of any matter dealt within these Proceedings, it will be presumed that Sri BVNSV Prasad, the then DAO(W) Grade-II, PRI Division, Vijayawada and DAO(W) Grade-II, RWS&S Division, Vijayawada (FAC) and now working as DAO(W) Grade-II, O/o EE, PRI Division, Ongole is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the A.P. Civil Services (Conduct) Rules, 1964.

7. The receipt of the proceedings shall be acknowledged along with Annexure-I, II, III & IV.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B RAJSEKHAR
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri BVNSV Prasad, the then DAO(W) Grade-II, PRI Division, Vijayawada and DAO(W) Grade-II, RWS&S Division, Vijayawada (FAC) and now working as DAO(W) Grade-II, O/o EE, PRI Division, Ongole (w.e) through the Engineer-in- Chief, RWS&S, Vijayawada.
The Engineer-in-Chief, Rural Water Supply & Sanitation Department, Vijayawada (with a request to serve the Charged Officer with dated acknowledgement and send the same for record)

Copy to
The PR&RD(Est.II) Dept.
The Director General, Anti Corruption Bureau,, AP., Vijayawada.
The Secretary to Vigilance Commission, APVC, Velagapudi.

// FORWARDED :: BY ORDER //

SECTION OFFICER

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ANNEXURE –I

STATEMENT OF ARTICLE OF CHARGES FRAMED AGAINST SRI BELLAM KONDA VENKATA NAGA SURYA VARA PRASAD, THE THEN DAO(W) GRADE-II, PRI DIVISION, VIJAYAWADA AND DAO(W) GRADE-II, RWS&S DIVISION, VIJAYAWADA (FAC) AND NOW WORKING AS DAO(W) GRADE-II, O/O EE, PRI DIVISION, ONGOLE.

That Sri Bellam Konda Venkata Naga Surya Vara Prasad (hereinafter referred as Government Servant (GS)) worked as Divisional Accounts Officer, RWS & S Division, Vijayawada from 03.11.2014 to 30.06.2022 while working as Divisional Accounts Officer, RWS & S Division, Vijayawada he committed grave misconduct in as much as:

CHARGE:-I

That the Government Servant (GS) Sri Bellam Konda Venkata Naga Surya Vara Prasad, Divisional Accounts Officer failed to do proper security of the invoices, M.Books, quality controls checks, and EOAT proceedings and processed the file without scrutiny, and made part payment, released the withheld amount even though the AE, Sri S. Saikumar made remarks in the work the new single village scheme (SVS) at the New SC Housing Colony of K. Tadepalli Village of Vijayawada Rural Mandal and thereby violated the AP Public works Department codes and AP Public Accounts Department codes.

CHARGE:-II

That the Govt. Servant (GS) failed to proper security of the invoices, M.Books, and made the payment, for renovation works of the office of Executive Engineer, RWS & S (P) Division, Vijayawada in the year 2018, costing more than 5.00 Lakhs and paid the total amount Rs. 6,96,608/- to Sri Movva Subhakar, Contractor, Vijayawada and thereby violated the AP Public works Department codes and AP Public Accounts Department codes.

CHARGE:-III

That the Govt. Servant (GS) failed to stop the payments made for five numbers of outsourcing Data entry operators engaged by GS at RWS & S Vijayawada Division office, Vijayawada The GS failed to supervise his staff resulting in improper maintenance of office records.

CHARGE:-IV

That the Govt. Servant (GS) failed to supervise his staff resulting which the official records are not maintained properly and the GS also not maintained the office Record properly and statutory recoveries such as Income Tax and GST.

Thus, That Sri BKVNSV Prasad (GS), the then Divisional Accounts officer, RWS & S Division, Vijayawada by his above-mentioned acts has exhibited a lack of integrity, devotion to duty and conduct unbecoming of a Government Servant and thereby violated/ contravened the AP Public works Dept. codes and AP Public Accounts Dept. codes and violated/ contravened

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Rule 3 (1), 3 (2) & of A.P. Civil Services (Conduct) Rules, 1964.

B RAJSEKHAR
SPECIAL CHIEF SECRETARY TO GOVERNMENT

SECTION OFFICER

(Contd.P-5)

ANNEXURE–II

STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOR IN SUPPORT OF THE ARTICLES OF CHARGES FRAMED AGAINST SRI BELLAM KONDA VENKATA NAGA SURYA VARA PRASAD, THE THEN DAO(W) GRADE-II, PRI DIVISION, VIJAYAWADA AND DAO(W) GRADE-II, RWS&S DIVISION, VIJAYAWADA (FAC) AND NOW WORKING AS DAO(W) GRADE-II, O/O EE, PRI DIVISION, ONGOLE.

That Sri **Bellam Konda Venkata Naga Surya Vara Prasad** (hereinafter referred as Government Servant (GS) worked as **Divisional Accounts Officer**, RWS & S Division, Vijayawada from 03.11.2014 to 30.06.2022 . His date of birth is 23.06.1977. He entered into Govt. Service on 22.05.01997 as Jr. Asst. at O/o EE, Drainage, APHM & HCRP Division, Gudivada, Krishna Dist. He will retire from service on attaining the age of superannuation on 30.06.2039.

CHARGE:-I

That the Govt. Servant (GS) Sri Bellam Konda Venkata Naga Surya Vara Prasad, Divisional Accounts Officer failed to do proper security of the invoices, M.Books, quality controls checks, and EOAT proceedings and processed the file without scrutiny, and made part payment, released the withheld amount even though the AE, Sri S. Saikumar made remarks in the work the new single village scheme (SVS) at the New SC Housing Colony of K. Tadepalli Village of Vijayawada Rural Mandal the new single village scheme (SVS) at the New SC Housing Colony of K. Tadepalli Village of Vijayawada Rural Mandal and thereby violated the AP Public works Department codes and AP Public Accounts Department codes.

FACTS AND EVIDENCE:-

On credible information that the officials of the office of the Executive Engineer, Rural Water Supply & Sanitation, Project Division, Vijayawada, are indulging in corrupt practices and not maintaining records properly, a surprise check was conducted on 11-01-2021 from 12.00 hrs to 23.30 hrs, on the office of Executive Engineer, RWS & S, (P) Division, Vijayawada, by the DSPs, A.C.B., Vijayawada Range, Vijayawada, their staff along with the two official mediators, namely, 1) Sri Kancherla Ambedkar, Assistant Audit Officer and 2) Sri Pulapaka Vijaya Bhaskara Rao, Senior Auditor, O/o the Asst. Audit Officer, State Audit (MPP), Machilipatnam, Krishna District.

The following officials were present at the time of the surprise check in the O/o Executive Engineer, RWS & S, Project Division, Vijayawada.

EMPLOYEES:

1. Sri Potharlanka Ramakrishna, Superintendent Establishment & Works.
2. Sri K. Nochan Kumar S/o K. Eeswara Rao, Junior Assistant, Account Branch.
3. Sri Thokala Raghu, S/o T. Ramalingaiah, 40 Yrs, Office Sub-Ordinate.
4. Smt. Gottiparthi Lakshmi W/o G.Sriramulu, 58 Yrs, Helper.

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5. Smt. Kosanam Rajya Lakshmi W/o K.Bose Babu, 37 Yrs, Dispatch Clerk.
6. Sri Buluguri Atchaiah S/o Muttaiah, 58 Yrs, Office Sub-Ordinate.
7. Smt. Kolli Anitha W/o Somasekhara Rao, 57 Yrs, Sr. Asst, R/o Vijayawada.
8. Sri Yeruva Anil Kumar Reddy S/o Govinda Reddy, 35 YRs, Typist.
9. Sri Arepalli Venkata Naga Saritha, Site Engineer (Contract Basis).
10. Sri Yalagandula Sunith Kumar S/o Venkata Ramana, 31 Yrs, DEO.
11. Kum. Tolapu Bharathi D/o Mahesh, 30 Yrs, DEO.
12. Smt. Kurapati Ramadevi W/o Ravikumar, 45 Yrs.
13. Sri Vanguru Yakshith S/o Devadas, 23 Yrs, DEO.
14. Smt. Merugu Sravanthi W/o Krishnarao, 42 Yrs, Asst. Executive Engineer.
15. Smt. Kathirisetti Sujatha W/o Satish Babu, 38 Yrs, Asst. Executive Engineer.

In addition to the above staff, it is identified that the below-mentioned persons who are also employees of RWS & S are also present. in the office premises and the details of them are as follows;

1. Sri Sole Ravikanth S/o Rajarao, 43 Yrs, Office Sub-Ordinate, RWS & S, SE Circle Office, Vijayawada.
2. Sri Nimmakuri Krishna Kishore S/o late Nagabhushanam, 52 Yrs, Asst. Executive Engineer, RWS & S, Kanchikacherla Mandal
3. Sri Gugulothu Gobriya S/o Rekhaiah, Jr. Technical Officer, RWS & S, Tiruvuru.

Then the Inspector asked the office superintendent about the Executive Engineer who is the incharge of the office. Then he stated that Sri D.Sainath is the Executive Engineer, Rural Water Supply & Sanitation, Project Division, Vijayawada, he is on Casual Leave on 11.01.2021, 12.01.2021 and permission on 9th, 10th, 13th to 15th January 2021 and he has obtained CL from Engineer-in- Chief, to go to Delhi on his personal work. Then the Inspector asked the office Supdt. about the incharge of EE, then he stated that the Engineer in Chief has allotted as incharge to this office. Then the Inspector asked the office Supdt. Who is the next 2nd-level officer in the office? Then the Superintendent stated that the Manager/Divisional Accounts Officer Sri B.Srinivasa Rao is on ELFP from 01.10.202.to 30.11.2020 and further he did not return to the office. At present Sri Bellamkonda Srinivasa Vara Prasad, DAO, Panchayat Raj Division, Vijayawada is the incharge DAO to the O/o EE, RWS & S. Then the Inspector requested to make a call to i/c DAO to attend the O/o EE, RWS & S, Project Division, Vijayawada. After a few minutes, the Superintendent who made a call to the i/c DAO informed that the i/c DAO is on C.L. for 11.01.2021. The Inspector also enquired about Superintending Engineer and it is learned that Sri D. Sainath, Executive Engineer, RWS & S, Project Division is the in-charge of SE, RWS & S, Circle Vijayawada.

Then the Inspector requested the office Superintendent to produce the personnel cash register and further requested the office staff to produce the cash possessed by them. On that, the Office Superintendent produced the Personnel Cash Register and further, the office staff produced the personal cash voluntarily.

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The Inspector verified and returned the amount to the employees under proper acknowledgment.

In the meantime, two persons entered into the O/o EE, RWS & S, Project Division, Vijayawada, and when the Inspector asked them, they stated that they are the contractors of RWS & S works. Then the Inspector asked them about their arrival at that time, then they stated that they came to the office to consult the EE, about their pending bills, further, the Inspector requested them to express their opinion over the performance of the employees of the O/o EE, RWS & S, Project Division and recorded Sri Garapati Surya Kiran Kumar statement in detail. The following is a detailed statement.

Sri Garapati Surya Kiran Kumar S/o Dasaradha Ramaiah, 45 Yrs, R/o Vibha Pride Apartments, Gandigunta (V), Vuyyuru Mandal, Krishna District:

On examination, he stated that for about 15 years he is doing contract works for RWS & S, Panchayatraj, Medical & Health Departments etc, He is a Registered Contractor for Class-II and Class-III. During the year 2018, he took one contract work under an agreement value of Rs.28 Lakhs in Kothuru Tadepalli (V), Vijayawada Rural Mandal from RWS & S, Vijayawada. But, the officials of RWS & S officials without any sanction order got executed the work in the year 2017 by one Sri B.Ramanjaneyulu, who is the contractor of Ongole. The officials endorsed the same work to him at the end of the year 2018 by showing the same as another work. Later Sri D. Sainath, EE, RWS & S, sanctioned the amount by changing the nature of work and forced him to pay the same to Sri B.Ramanjaneyulu. During the process of payment for the work done in the year recorded 6 invoices pertaining to HDPE pipes and got check measurements as well as a super check. Actually, the material was purchased during the time of VAT but they showed the same bills as purchased during SGST time. They entered the invoice bills in the M-Book by mentioning the date and month only with mentioning the year and did not pay the contract bills to him, due to which he incurred a loss of 18% input further, the officials failed to pay the CGST and SGST, due to which he incurred a loss of Rs. 2 Lakhs. Later the officials issued an experience certificate to him after completion of the work. Further, the officials have to pay the Entrustment of Money Deposit and Further Security Deposit to him, but even though he presented written representation the officials did not pay the amount of about Rs.1,30,000/- to him. When he asked Sri D. Sainath, EE, he threatened him that he will file cases against him.

The Inspector seized the Cash Books 1) 20040108101-SBI Bhaskara Raopeta T.S.C. General O/o Executive Engineer, RWS & S Dept (P) Division, Vijayawada 2) Deposits A/C No. 31643002610 Register.

Then the Inspector asked the office Superintendent, to produce the office job chart and to produce the office records. Then the Superintendent stated that there is no job chart in the office and only office orders were issued to the Accounts branch 1) Sri T.Srinivasa Rao, Senior Assistant, 2) Smt. K. Anitha, Senior Assistant, 3) Sri Nochan Kumar, Junior Assistant and a separate office order was issued to the drawing branch 1) Smt. M.Sravanthi, AEE, 2) Smt. K.Sujatha, AEE, 3) Smt. AVN Saritha, Site Engineer, and produced the same before the Inspector. Then the Inspector seized the office orders in the presence of mediators.

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When requested by the Inspector, Smt. K.Sujatha, AEE, O/o EE, RWS & S (P) Division, about the maintenance of records by her, she produced the following estimate files which are being maintained by her;

1. New SVS at New SC Housing Colony of K.Tadepalli (V): On perusal of the file it is having original estimation, working estimates up to 1 to 3, and agreement copies. The work was executed through the tender process through e-procurement tender notice No.35/to/2017-18, Dt.29.11.2017 of the SE, RWS & S Circle, Vijayawada. Out of 5 participants the least quoted M/s Garapati Constructions @ 13.59% less than the ECV was approved and the agreement was concluded vide agreement No. 58/2017-18, Dt.22.01.2018 of the SE, RWS & S Circle, Vijayawada with a completion period of 4 months to construct the following item of works with provision for taxes also which were provided in the original estimate;

   i. Drilling bore well with the rotary rig,
   ii. Providing pumping main and distribution,
   iii. Construction of RCC OHSR of 60 KL capacity,
   iv. Three phase submersible pump sets,
   v. Provision towards GST @ 12%,
   vi. Provision towards NAC @ 0.1%,
   vii. Provision towards QC Charges @ 0.5 %,
   viii. Provision towards price variation and seignorage charges and
   ix. Provision towards the unforeseen item of work.

The total worth of the work is Rs.28 Lakhs. But, during the execution of the above said work totally deviated, and executed items were the construction of 70 KL Sump, 110 mm dia HDPE pipe, 6KGF of length, 3930 RM, 90 mm dia HDPE pipe 6 KGF of length, 400 RM.

She further stated that the remaining records pertaining to this work like M- Book, B-forms, and invoices will be available in Account Section. The file containing sheets 722 was seized for further enquiry.

Then Inspector secured the presence of Sri K. Nochan Kumar and asked him to produce the relevant documents pertaining to the file New SVS at New SC Housing Colony of K.Tadepalli (V) Vijayawada Rural Mandal, which were processed in the Account Section on that he produced a bunch of papers with a tag containing 2 pages of note file with work ID bearing No. 85020601170006, contractor certificate 2 pages one page of 7F materials 1-page of the certificate, 1-page of Seigniorage charges, 1- page of Release and discharge certificate, 2- pages comparative statement which was the deviation of work from the originally estimated work, 6- sheets of Tax Invoice vide Nos. 069, dt. 02-04-2018, 1215 dt. 29-03-2018, 122 dt 30-03-2018, 1225 dt.30-03-2018, 1227 dt. 30-03-2018, 1228 dt.30-03-2018 in favour of Bommineni Ramanjaneyalu. 6- sheets of Tax Invoice vide Nos. 069, dt. 02-04-2018, 1215 dt.29-03-2018, 122 dt 30-03-2018, 1225 dt. 30-03-2018, 1227 dt. 30-03-2018, 1228 dt.30-03-2018 in favour of Garapati Constructions - total sheets 22 Sheets.

Then Inspector seized the above file for further enquiry in the presence of mediators.

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Then the Inspector secured the presence of the following staff members who are present during the surprise check and examined them.

During the enquiry, the following witnesses were examined by enquiry officer and recorded their statements as follows.

1. **Sri Kancherla Ambedkar, S/o K. Bhaskara Rao, 53 years, Assistant Audit Officer, O/o the Asst. Audit Officer, State Audit (MPP), Machilipatnam, Krishna District. (Mediator-I).**

He speaks about their presence as mediators and the things that happened during the Surprise Check in the O/o RWS & S, Gudivada Division, Krishna Dist, i.e., on 11.01.2021 etc. facts.

2. **Sri Pulapaka Vijaya Bhaskara Rao, S/o Ranga Rao, 54 years, Senior Auditor, O/o the Asst. Audit Officer, State Audit (MPP), Machilipatnam, Krishna District. (Mediator-II).**

He speaks about their presence as mediators and the things that happened during the Surprise Check in the O/o RWS & S, Gudivada Division, Krishna Dist, i.e., on 11.01.2021, etc. facts.

3. **Statement of Sri D. Venkata Ramana S/o DVS Narayana, age 58 yrs, Superintendent Engineer, RWS & S, Vijayawada Circle.**

He is working as Superintendent Engineer, RWS & S, Krishna Circle since 22.8.2022. as per the request of ACB officials today he attended the office of DSP, ACB, Vijayawada, and stated the following contents regarding to the surprise check proceedings dated 11.01.2021 of ACB, Vijayawada on O/o Executive Engineer, Rural water supply & sanitation, Project Division, Vijayawada.

On perusal of the file, the work of the new single village scheme (SVS) at the New SC Housing Colony of K. Tadepalli village of Vijayawada Rural Mandal is administratively sanctioned vide GO.RT No. 734, Dt.09.11.2017 of PR & RD RWS-II department, and technically sanctioned vide Cr No. 30/2017-18 dated 28.11.2017.

On perusal of the file, it is having original estimation, working estimates up to 1 to 3, and agreement copies. The work was executed through the Tender process through e-procurement tender notice No.35/to/2017-18. Dt.29.11.2017 of the SE, RWS & S Circle, Vijayawada. Out of 5 participants the least quoted M/s Garapati Constructions @ 13.59% less than the ECV was approved and the agreement was concluded vide agreement No. 58/2017-18, Dt.22.01.2018 of the SE, RWS & S Circle, Vijayawada with a completion period of 4 months to construct the following item of works with provision for taxes also which were provided in the original estimate

i. Drilling bore well with the rotary rig, ii) Providing pumping main and distribution, iii) Construction of RCC OHSR of 60 KL capacity, iv) Three phase submersible pump sets, v) Provision towards GST @ 12%, vi) Provision towards NAC @ 0.1%, vii) Provision towards QC Charges @ 0.5 %,

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viii) Provision towards price variation and seignorage charges and ix) Provision towards the unforeseen item of work.

On perusing the files pertaining to the New SVS at New SC Housing Colony of K.Tadepalli (V) Vijayawada Rural Mandal, it is containing 2 pages of note file with work ID bearing No. 85020601170006, contractor certificate 2 pages one page of 7F materials 1-page of the certificate, 1- page of Seignior age charges, 1- page of Release and discharge certificate, 2- pages comparative statement which was the deviation of work from the originally estimated work, 6- sheets of Tax Invoice vide Nos. 069, dt. 02-04-2018, 1215 dt. 29-03-2018, 122 dt 30-03-2018, 1225 dt.30-03-2018, 1227 dt. 30-03-2018, 1228 dt. 30-03-2018 in favour of Bommineni Ramanjaneyalu. 6- sheets of Tax Invoice vide Nos. 069, dt. 02-04-2018, 1215 dt. 29-03-2018, 122 dt 30-03-2018, 1225 dt. 30-032018, 1227 dt. 30-03-2018, 1228 dt.30-03-2018 in favour of Garapati Constructions - total sheets 22 Sheets.

The total worth of the work is Rs.28 Lakhs. But, during the execution of the above-said work was totally deviated, and executed items were the construction of 70 KL Sump, 110 mm dia HDPE pipe, 6KG/cm2 of length, 3930 RM, 90 mm dia HDPE pipe 6 KG/cm2 of length, 400 RM.

Originally as an agreement with M/s Garapti Constructions, Vuyyuru of Krishna Dist, the construction of Over Head service reservoir OHSR for the capacity of 60,000 Ltrs at SC Housing colony, K. Thadepalli village, Vijayawada Rural vide No.58/1718 dt. 22.01.2018 of Rs. 22.95 Lakhs, consequently the Executive Engineer, RWS & S, Vijayawada Division and incharge Superintendent Engineer, RWS & S, Vijayawada Division (EE) approved the working estimate duly deleting the OHSR and incorporating the 70,000 Ltrs sump of an estimated cost of 4,85,345/- as per the technical feasibility and conclude the supplementary agreement with M/s Garapti constructions on 16.10.2018. Further, EE entered into another supplementary agreement with M/s Garapti Constructions on for pipe lane deviations worth Rs. 1.38 Lakhs.

The Superintending Engineer, RWS & S, Vijayawada circle who is competent for change of deviations with the original estimates provisions was sanctioned earlier.

The work was entrusted on a tender basis and entrusted to M/s Garaptati Constructions, Vuyyuru, and the work is completed as per working estimate -3 duly accepted the deviations by the EE and submitted the bill by the DEE and the same is scrutinized by the EE office and made the payments of Gross amount Rs.24,49,978/- on 30.10.2018 vide MB No. 2818B/ RWS/P/VJA/2015-16 page No.7 by EE, Vijayawada Division duly deducting 15% for sanction of EOAT and net payment made Rs. 19,39,448/-. On 02.12.2019, the incharge DE, Vijayawada Sri Nancharaiah submitted the proposals for the release of the withheld amount of Rs. 3,26,385/-, and the EE withhold the amount of Rs. 50,000/and the balance payment of Rs.2,76,385/- was made to the agency by violating the rules of making payments by the

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payment authority i.e EE, RWS. While the extension of agreement time (EOAT) is pending the EE is not competent for making the final bill and also failed to stop the release of the withheld amount of Rs. 2,76,385/- to the agency i.e Garapati constructions.

During the payment, the following lapses were observed.

1. On 24.10.2018, even though the AE, drawing branch made remarks that the quality control certificate was not enclosed and the asset handed-over certificate was not enclosed, the EOAT sanction was not accorded.
2. The DAO, BVNSV. Prasad and Jr. Asst K. Nochan Kumar of the accounts branch also failed to regulate the payment procedures and released a final net amount of Rs.19,39,448/-without objecting to making payment not as per the procedure.
3. Still, now EOAT is not sanctioned.
4. The quality of pipes is not verified by the DEE Quality control.
5. Overall all the work quality control verification and obtaining the certificates from the DEE, Quality control was not done by Executive Engineer, Vijayawada Division before making the payments.
6. As per procedure, the Extensions Agreement time (EOAT) has to obtain from the competent authority which is already submitted to the Government for approval but not received, without EOAT sanction the final payment to the agency was released by the EE, RWS, Vijayawada.
7. The agreement holder of this work is M/s Garapati Constructions, but xerox copies of invoices available of both Bommineni Ramanjaneyulu and Garapati constructions of the same quantity and date. There is no countersign on the back side of invoices and mentioned relevant certificates. As per the Departmental code, it is mandatory. Originals invoices are not available in the office file. Sri K. Nochan Kumar, Jr. Asst. is responsible for maintaining the vouchers of contract works for audit, etc.
8. The year of the invoices, and date were not mentioned in M Book, only the date and month were mentioned in the M. Book. It is also noticed that the Batch number of the material i.e pipes are not mentioned in the M. Book in any quality control reference number if the pipes are checked by whether DE/ EE. In the note file, it is mentioned by AE, Division office that the quality control certificate is not enclosed. Even though the DEE, ARVLR Swamy recommended the bill without quality control verification the bill was submitted to the Division office. Later the EE not observed the nonproducing of the quality control certificate and the final quality certificate which was issued by the DEE, Krishna dist, but the EE released the final payment of Rs. 24,49,978/- dated 30.10.2018 to M/s Garapati Constructions, Vuyyru even though the EOAT sanction order was not submitted with the bill.
9. The GST for the above work was paid to Govt. on 06.11.2018 vide cheque No. 000468 Rs.75,404 including other works GST.

4. **Statement of Sri Dhavaleswarapu Rama Linga Prasad S/o Veerabhadraiah, age 57 yrs, Executive Engineer, RWS & S (Projects) Division, Vijayawada.**

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On examination, he stated that he is working as Executive Engineer, Engineer, RWS & S, Vijayawada Division (Project) since He stated about the contents of the surprise check proceedings dated 11.01.2021 of ACB, Vijayawada conducted at O/o Executive Engineer, Rural water supply & Sanitation, Project Division, Vijayawada. He corroborated LW. 3, Sri D.V. Ramana, Superintending Engineer in all the procedural aspects and material aspects.

5. **Statement of Sri Garapati Surya Kiran Kumar S/o Dasaradha Ramaiah, 45 Yrs, R/o Vibha Pride Apartments, Gandiganta (V), Vuyyuru Mandal, Krishna District:**

On examination, he stated that he is a Registered Contractor for Class-II and Class-III, since about 15 years he is doing contract works for RWS & S, Panchayatraj, Medical & Health Departments, etc. During the year 2018, he took one contract work under an agreement value of Rs.28 Lakhs in Kothuru Tadepalli (V), Vijayawada Rural (M) from RWS & S, Vijayawada. But, the officials of RWS & S without any sanction order got executed the work in the year 2017 by one Sri B.Ramanjaneyulu, who is the contractor of Ongole. The officials endorsed the same work to him at the end of the year by showing the same as another work. Later Sri D. Sainath, EE, RWS & S, sanctioned the amount by changing the nature of work and forcing him to pay the same to Sri B.Ramanjaneyulu. During the process of payment for the work done in the year 2017, recorded 6 invoices pertaining to HDPE pipes and got check measurements as well as a super check. Actually, the material was purchased during the time of VAT but they showed the same bills as purchased during SGST time. They entered the invoice bills in the M-Book by mentioning the date and month only with mentioning the year and did not pay the contract bills to him, due to which he incurred a loss of 18% input further the officials failed to pay the CGST and SGST, due to which he incurred a loss of Rs. 2 Lakhs. Later the officials issued an experience certificate to him after completion of the work. Further, the officials have to pay the Entrustment of Money Deposit and Further Security Deposit to him, but even though he presented written representation the officials did not the amount of about Rs.1,30,000/- to him. When he asked Sri D. Sainath, EE, threatened him that he will file cases against him etc, facts.

6. **Statement of Sri Potharlanka Rama Krishna S/o Koteswara Rao age 43 yrs, office Supdt., O/o EE, RWS & S, Project Division, Vijayawada.**

On examination, he stated that he is working as an office Supdt. In the O/o EE, RWS & S, Project Division, Vijayawada since 16.12.2020. presently Sri D. Sainadh is working as Executive Engineer, RWS & S, Project Division, Vijayawada. While he was present in the office at about hrs on 11.01.2021, the ACB officials of Vijayawada are conducting the Surprise Check in their office. ACB officials verified the records relating to "New SVS SC Housing Colony, Kotturu Tadepalli", Vijayawada Rural, and some other official records and seized some records for their enquiry. At present, four Data Entry operators are working in their Division office.

(Contd.P-13)

7. **Statement of Smt. Kosanam Rajya Lakshmi w/o Kopuri Bosubabu, age 37 yrs, Typist O/o EE, RWS & S, Project Division, Vijayawada.**

On examination, she stated that, since 13.01.2020 she has been working as a typist/ Dispatch clerk in the O/o EE, RWS & S, Project Division, Vijayawada. she is doing the work of dispatch clerk as per the instructions of EE, RWS & S, Project Division, Vijayawada. Today i.e 11.01.2021 at about 12.30 hrs ACB officials of Vijayawada are conducted the Surprise Check in their office while she was present in the office, etc, facts.

8. **Statement of Sri Bommineni Ramanjaneyulu, S/o Venkata Narasimha Rao, A/59 Years, Contractor, Endluru (V), S.N.Padu (M), Prakasam Dist.**

On examination, he stated that he is a Special Class contractor Executing the works all over the state in RWS Department and Public Health Department since 1998.

The work New SVS at New SC Housing colony of K.Tadepalli (V) of Vijayawada Rural Mandal of Krishna District was awarded to M/s Garapati Constructions through a Tender basis. The work was not started until about 6 months from the date of the agreement by M/s Garapati Constructions. As per the discussions between him and M/s Garapati Constructions, represented by Sri Garapati Surya Kiran Kumar asked him to execute the above work on back-to-back agreement rates (Department). This is an oral agreement only with mutual understanding between him and Sri Garapati Surya Kiran Kumar. On 30-10-2018 he completed new SVS at the New SC Housing colony of K.Tadepalli (V) of Vijayawada Rural Mandal of Krishna District from M/s Garapati Constructions as Sub-Contract work. During the execution, he executed HDPE pipelines, GI pipelines, two sumps, valve chambers, air valves, and sluice valves. On 02-11-2018 he received the payment of Rs. 19,39,448/- from M/s Garapati Constructions through his HDFC Bank A/c No. 50100226048661 and again received the balance amount of Rs. 2,75,000/- on 29-02-2020 through his Union Bank of India, A/C No.565101000034513. He raised the tax invoice on 03-11-2018 vide invoice No.BR-0010/2018-19 Net amount Rs. 21,29,075/- and CGST @ 6% Rs. 1,27,744.5/- and SGST @ 6% Rs. 1,27,744.5/- total amount after adding tax Rs.23,84,565/- only. He filed the GSTR-1 on 21-12-2018. M/s Garapati Constructions is eligible to claim the tax amount Rs.2,55,489/-. It is a regular process to claim the tax received from the main works and sub-contract works.

During the enquiry, he submitted his Contract Registration Certificate, the tax invoice number BR-0010/2018-19, bank statements of HDFC Bank and Union Bank of India, GST R-1 returns filed by him in the GST portal per November 2018 and 2019, the above documents related to "New SVS at new SC Housing colony" of K.Tadepalli (V) of Vijayawada Rural. Bank statements of Union Bank of India, Ongole branch amounts between M.Subhakar, M.Lakshmi Sailaja, and Parchuri Ratna kumar, etc facts.,

(Contd.P-14)

9.Statement of Sri Ravi Kiran, Director, Veeraaya Techno Plast Pvt. Ltd, Rs.No. 491/1, Kolamuru, Rajanagaram (M), Rajahmundry, East Godavari Dist.

He is one of the directors of Veeraaya Techno Plast Pvt. Ltd out of six directors since 2010. He is looking after the administration besides the manufacturing works of the company. The company has been manufacturing HDPE Pipes and Fitting of different sizes. The material is being supplied to the Government works and industries. Today on 20.01.2023, ACB officials, Vijayawada came to his office at Rajahmundry and furnished the copies of Tax invoices vide Nos.1215, 1221,1225, 1227, 1228, and 069 of the year 2018 said to have been issued by Veeraaya Techno Plast Pvt. Ltd. And requested him to verify the invoices for their genuinely. He verified the above invoices and found that they are not tallied and not issued by their company to Bommineni Ramanjaneyulu, Ongole, the site at Jakkampudi, K. Tadepalli, and Garapati Constructions. The authorized signature is also fake including the name and style of the tax invoice. He further stated that their company was issued the following invoices in the year 2018.

S. No	Invoice No	Date	Customer Name	Place	Invoice Amount (Incl. Tax)
1.	1215	9-3-2018	M Venkana Babu	Atchutapuram, AP	4400
2.	1221	9-3-2018	Grampanchayathi	Pallamkurti, AP	1,10,601
3.	1225	10-3-2018	ITS Technodue India Pt Ltd.	Nuzividu, AP	2,36,129
4.	1227	10-3-2018	Madhu Aqua Forms	Velpuru, AP	64,617
5.	1228	10-3-2018	Madhu Aqua Forms	Velpuru, AP	39,689
6.	0169	10-5-2018	Sri Harsha Infra, Settipeta	Nidadavole, AP	5,850

10.Statement of Sri Siyadri Sai Kumar S/o Narasimha Murthy, 28 yrs, Asst. Executive Engineer, Ragampeta, Rajamahendravaram Circle..

He is now working as Asst. Executive Engineer, Ragampeta, Rajamahendravaram Circle. Previously he worked as Asst. Executive Engineer, Drawing branch, RWS & S Division, Vijayawada from 11.05.208 to 18.07.2019. while he was working in the O/o Executive Engineer, RWS&S Division, the SE, RWS & S,

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Vijayawada allotted the construction work of "NEW SVS" at SC Housing colony, Kothuru Tadepalli village, Vijayawada Rural to Sri Garapati constructions for Rs. 28 lakhs and entered into an agreement. After completion of the above work, the file came forward to him for payment scrutiny. Then On 24.10.2018, he verified the file and made remarks in the note file as the quality control certificate was not enclosed and the asset handed-over certificate was not enclosed, the EOAT sanction was not accorded, and forwarded the file to EE, RWS & S, Vijayawada Division etc., facts.

During the enquiry, obtained service particulars and Job Charts of the suspect officers, jurisdiction, and tenure of officers and staff of the RWS & S, Vijayawada Division responsible for the above irregularities and documents related to the enquiry.

Thus the Govt. Servant Sri BKVNSV Prasad (GS) not conducted proper security of the invoices/ bills, M.Books, quality controls checks, and EOAT proceedings, processed the file without scrutiny, and made part payment, released the withheld amount even though the AE, Sri S. Saikumar made remarks in the work of the new single village scheme (SVS) at the New SC Housing Colony of K. Tadepalli (V) of Vijayawada Rural was allotted on a tender basis and entrusted to M/s Garaptati Constructions, Vuyyuru, and the work is completed as per working estimate -3 duly accepting the deviations by the E.E who is SE (FAC) also. The year of the invoices were not mentioned in M Book, only the date and month, and company name Veeraaya were mentioned in the M. Book. It is also noticed that the Batch number of the material i.e pipes are not mentioned in the M. Book in any quality control reference number whether the pipes are checked by DE/ EE. AEE, DEE submitted the work bills, invoices and the same is not scrutinised by EE (SO-1) and made the payments of Gross amount Rs.24,49,978/- on 30.10.2018 vide MB No. 2818B/ RWS/P/VJA/2015-16 page No.7 by EE, Vijayawada Division duly deducting 15% for sanction of EOAT and net payment made was Rs. 19,39,448/-. On 02.12.2019, the incharge DE, Vijayawada Sri Nancharaiah submitted the proposals for the release of the withheld amount of Rs.3,26,385/-, and the EE D. Sainadh withheld the amount of Rs. 50,000/- and the balance payment of Rs.2,76,385/- was paid to the agency by violating the rules, (SO-1), even though Sri S.Saikumar, AEE, Drawing Branch made remarks that the quality control certificate was not enclosed and the asset handed over certificate was not enclosed, the EOAT sanction was not enclosed. While EOAT is pending EE D. Sainadh is not competent for making the final bill. Govt. Servant (GS) Divisional Accounts Officer also failed to stop the release of the withheld amount of Rs.2,76,385/- to the agency i.e. Garapati Constructions. Further, During the enquiry, it is revealed that the invoices (6) which were mentioned in the M-Book are not issued by the Veeraaya Techno Plast Pvt. Ltd, Kolamuru, Rajahmundry. Thereby the Govt. Servant violated the rules of AP Public works Department Codes, AP Public works Accounts Codes.

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CHARGE-II:

That the Govt. Servant (GS) failed to do proper scrutiny of the invoices, M.Books, and made the payment, for renovation works of the office of Executive Engineer, RWS & S (P) Division, Vijayawada in the year 2018, costing more than 5.00 Lakhs and paid the total amount Rs. 6,96,608/- to Sri Movva Subhakar, Contractor, Vijayawada and thereby violated the AP Public works Department codes and AP Public Accounts Department codes

FACTS & EVIDENCE:

During the Surprise check, on 11-01-2021, two persons entered into the O/o EE, RWS&S, Project Division, Vijayawada, and when the Inspector asked them, they stated that they are the contractors of RWS&S works. Then the Inspector asked them about their arrival at that time, then they stated that they came to the office to consult the EE, about their pending bills, further, the Inspector requested them to express their opinion over the performance of the employees of the O/o EE, RWS&S, Project Division and recorded the statement of Sri Movva Subhakar the following is a detailed statement.

Statement of Sri Movva Subhakar S/o Hemadri Rao, aged 49 Yrs, R/o D.No.6-123/C, near Hanuman Temple, Nidamanuru (V), Vijayawada Rural Mandal:

On examination, he stated that he is doing contract work for RWS&S for about 8 years, and he had a Class-IV contractor license. During the year 2018, he did RWS&S Division Office renovation works on a quotation basis and the officials made payments through cheques to him.

The details of cheques and payments are

1. Cheque No. 656824 of SBI for Rs. 5,32,288/- dt. 09-08-2018
2. Cheque No. 642198 of SBI for Rs. 50,600/- dt. 09-09-2018
3. Cheque No. 566559 of SBI for Rs. 68,700/- dt. 09-09-2018
4. Cheque No. 566557 of SBI for Rs. 45,020/- dt. 10-09-2018

When he requested the officials to give GST, and IT challans they are not giving the same.

The Inspector asked the Jr. Asst. K. Nochan Kumar asked to produce the above 4 vouchers along with Cash Book. The Jr. Asst. produced the above 4 vouchers along with Cash Book. One of the mediators verified the above and found the following lapses.

1. Cheque No. 656824 of SBI for Rs. 5,32,288/- dt. 28-07-2018.

It is observed that the amount was paid towards the purchase of a new system for implementation of e-office/ CFMS etc. vide bill no. VJA1819/12212, dt.28-07-2018, CGST and SGST were paid to the contractor as per the Voucher produced by him. Whereas Income Tax was not deducted from the contractor. An amount of Rs. 5,322/-

(Contd.P-17)

is to be deducted as Income Tax which is a loss to the Government.

2) Cheque No. 642198 of SBI for Rs. 50,600/- dt. 18-08-2018

It is observed that the amount was paid towards the purchase of Birla Care Putti in RWS & S (P) Division, Vijayawada vide voucher 25 dt.18-08-2018, CGST and SGST were not paid due to the implementation of GST TDS from 01-10-2018 Whereas Income Tax was not deducted from the contractor. An amount of Rs. 506/- is to be deducted as Income Tax which is a loss to the Government.

3) Cheque No. 566559 of SBI for Rs. 68,700/- dt. 27-08-2018

It is observed that the amount was paid towards the purchase of Labour Charges of Renovation in RWS & S (P), Vijayawada vide Voucher No. 07 of 18-19 dt. 27-08-2018, CGST and SGST were not paid due to the implementation of GST TDS from 01-10-2018 Whereas Income Tax was not deducted from the contractor. An amount of Rs. 687/- is to be deducted as Income Tax which is a loss to the Government.

4) Cheque No. 566557 of SBI for Rs. 45,020/- dt. 21-08-2018

It is observed that the amount was paid towards the purchase of Painting materials in RWS & S (P) Division Vijayawada vide Voucher No. 05 of 18-19 dt. 21-08-2018, CGST and SGST were not paid due to the implementation of GST TDS from 01-10-2018 Whereas Income Tax was not deducted from the contractor. An amount of Rs.450/- is to be deducted as Income Tax which is a loss to the Government.

During Surprise check, when requested Smt. M.Sravanthi, AEE to produce the tenders of different works from the year 2015 to till date, it is observed that the calling of different tenders are as follows;

Year	'No.of total works called for tenders	Tenders not received	No.of tenders cancelled	Tenders settled
2015-16	28	2	3	23
2016-17	42	7	--	35
2017-18	163	139	1	23
2018-19	37	12	4	21
2019-20	33	5	19	9
2020-21 (till date)	19	2	10	7

When observing the cancelled tenders, the authorities cancelled the 13- tenders without specific remarks and only stated that the

(Contd.P-18)

contracts cancelled due to administrative grounds. Then the Inspector seized the following 13- files which were the cancelled tenders in the presence of mediators for further enquiry.

S.No.	Name of the Work	Estimation Cost	No.of Sheets
1.	O&M of CPWs scheme to Khabampadu and other habitations for the year 2018-19	Rs. 30 Lakhs	39
2.	O&M of CPWs scheme to Lingala and other habitations for the year 2018-19	Rs. 20 Lakhs	'41
3.	O&M of CPWs scheme to Polampalli and other habitations for the year 2018-19	Rs. 13 Lakhs	14
4.	O&M of CPWs scheme to kollikulla and other habitations for the year 2018-19	Rs. 47 Lakhs	43
5.	O&M of CPWs scheme to SN palem and other habitations for the year 2019-20	Rs. 44 Lakhs	31
6.	O&M of CPWs scheme to takkellapadu and other habitations for the year 2019-	Rs. 19 Lakhs	40
7.	O&M of CPWs scheme to Malkapuram and other habitations for the year 2019-	Rs. 31 Lakhs	61
8.	O&M of CPWs scheme to Indupalli and other habitations for the year 2019-20	Rs. 36 Lakhs	103
9.	O&M of CPWS scheme to SN palem and 8 other habitations for the year 2020-21	Rs. 44 Lakhs	06
10.	O&M of CPWS scheme to malkapuram and 2 other habitations for the year 2020-21	Rs. 32 Lakhs	101
11.	O&M of CPWS scheme tot Indugupalli and other habitations for he year 2020-	Rs. 38 Lakhs	53
12.	O&M of CPWS scheme to Khambampadu and 14 other habitations for the year 2020-21	Rs. 46 Lakhs	81
13.	O&M of CPWS scheme to polampalli and 3 other habitations for the year 2020-21	Rs. 22 Lakhs	61

On perusal of the above tenders, it is observed that the Executive Engineer, RWS & S (P) Division, Vijayawada has not invited an e-tender for certain works, costing more than 5.00 Lakhs and calling open tenders, which may cause due favour to the contractors and which may cause loss to Govt. exchequer and further violated the Govt. due procedure thereby violated the AP Public Works Department Codes, AP Public Works Accounts Codes, GO MS No. 124 dt. 25.8.2014 of PR & R (PROGS.I) Dept. Thereby (SO-1) violated Rule III -7 under Article- 125 of AP Financial Code Volume-I R/w G.O.Ms. No. 258, Dt.20.09.2013 of Finance (TFR).

(Contd.P-19)

Department, Govt. of AP, mandates materials/stores costing more than Rs.1,00,000 shall be procured through the e- procurement platform only, Which may cause Un-Due favor to the contractors and loss to the Government Exchequer

The Inspector asked the Office Superintendent to produce the records of the Accounts Branch. Then the Superintendent stated that Sri K.Nochan Kumar did not hand over the charge to him and the Superintendent Charge is at present with Sri K.Nochan Kumar, Junior Assistant.

Then the Inspector requested Sri K.Nochan Kumar, Junior Assistant to produce the records. Then the Inspector randomly verified the Inspection Reports of S.E, RWS & S, Circle, Vijayawada. It is found that in the Inspection Reports of S.E, mentioned about Drawing Branch that the Executive Engineer, RWS&S(P) Division, Vijayawada has not invited an e-tender for certain works, costing more than 5.00 Lakhs.

Then the Inspector seized the copies of the above inspection reports for further enquiry in the presence of mediators.

During the enquiry, the following witnesses were examined and recorded their statements were as follows.

1. **Sri Kancherla Ambedkar, S/o K. Bhaskara Rao, 53 years, Assistant Audit Officer, O/o the Asst. Audit Officer, State Audit (MPP), Machilipatnam, Krishna District. (Mediator-I).**

He speaks about their presence as mediators and the things that happened during the Surprise Check in the O/o RWS & S, Gudivada Division, Krishna Dist, i.e., on 11.01.2021 etc. facts.

2. Sri Pulapaka Vijaya Bhaskara Rao, S/o Ranga Rao, 54 years, Senior Auditor, O/o the Asst. Audit Officer, State Audit (MPP), Machilipatnam, Krishna District. (Mediator-II).

He speaks about their presence as mediators and the things that happened during the Surprise Check in the O/o RWS & S, Gudivada Division, Krishna Dist, i.e., on 11.01.2021, etc. facts.

3. Statement of Sri D. Venkata Ramana S/o DVS Narayana, age 58 yrs, Superintendent Engineer, RWS & S, Vijayawada Circle.

He is working as Superintendent Engineer, RWS & S, Krishna Circle since 22.8.2022. as per the request of ACB officials today he attended the office of DSP, ACB, Vijayawada, and stated the following contents regarding to the surprise check proceedings dated 11.01.2021 of ACB, Vijayawada on O/o Executive Engineer, Rural water supply & sanitation, Project Division, Vijayawada.

On perusal of the records, Irregularities were noticed in the execution of works, scrutiny payments of bills, etc: i) calling of tenders. procedure violated: E.E, RWS & S (P) Division, Vijayawada

(Contd.P-20)

has not invited E-Tender (E-Procurement Platform) in renovation works of O/o Executive Engineer, RWS & S, Vijayawada Division which is exceeding Rs.5.00 lakhs by violating the existing Rules, which may cause for certain works cost un-due favour to the contractors and corresponding loss to Govt. Exchequer. Sri BVNSV Prasad, Divisional Accounts officer, and Sri D. Sainth, EE, RWS, Smt M. Nageswaramma, and Sri K. Nochan Kumar, Jr. Asst are responsible for these irregularities.

Statutory Recoveries i.e GST Violations regarding EE office Renovation work:

GST: On random verification, it is observed that the amount was paid under labour charges of renovation of office of EE, RWS & S, Vijayawada vide voucher No.07 of 18-19, dt.27.08.2018, CGST and SGST were not paid, and also income tax was not deducted.

4. Statement of Sri Dhavaleswarapu Rama Linga Prasad S/o Veerabhadraiah, age 57 yrs, Executive Engineer, RWS & S (Projects) Division, Vijayawada.

On examination, he stated that he is working as Executive Engineer, Engineer, RWS & S, Vijayawada Division (Project) since He stated that the contents of the surprise check proceedings dated 11.01.2021 of ACB, Vijayawada conducted at O/o Executive Engineer, Rural water supply & Sanitation, Project Division, Vijayawada. He further corroborated LW. 3, Sri D.V. Ramana, Superintending Engineer in all the procedural aspects and material aspects.

5. Statement of Sri Shaik Hussein Saheb S/o Masthan Saheb, age 53 yrs, Divisional Accounts officer (works) O/o Executive Engineer, Panchayath Raj & Rural Development, Vijayawada Division.

He is working as Divisional Accounts Officer, O/o Executive Engineer, Panchayath Raj & Rural Development, Vijayawada Division since 01.07.2022 and FAC to the post of Divisional Accounts Officer (DAO- W) Engineer, RWS & S, Vijayawada Division (Project) since 17.08.2022. I further stated the following contents regarding the surprise check dated 11.01.2021 of ACB, Vijayawada on O/o Executive Engineer, Rural water supply & Sanitation, Project Division, Vijayawada.

He corroborated LW. 3, Sri D.V. Ramana, Superintending Engineer in the following issues in the procedural aspects. Irregularities noticed in the execution of works, scrutiny payments of bills etc: i) calling of tenders. procedure violated: E.E, RWS & S (P) Division, Vijayawada has not invited E-Tender (E- Procurement Platform) in renovation works of O/o Executive Engineer, RWS & S, Vijayawada Division which exceeding Rs..5.00 lakhs by violating the existing Rules, which may cause for certain works cost un-due favour to the contractors and corresponding loss to Govt. Exchequer. Sri D. Sainth, EE, RWS and BVNSV Prasad, Divisional Accounts officer, Smt. M. Venkateswaramma, and Sri K. Nochan Kumar, Jr. Asst and incharge Supdt. are responsible for these

(Contd.P-21)

irregularities.

Certain Statutory Recoveries/ Deductions Like I.T, GST, EMD Etc - Violations:

GST: On random verification, it is observed that the amount was paid under labour charges of renovation of the office of EE, RWS & S, Vijayawada vide voucher No.07 of 18-19, dt.27.08.2018, CGST and SGST were not paid, and also income tax was not deducted. Sri D. Sainath, EE, Sri BVNSV. Prasad, Divisional Accounts officer, Smt M. Nageswaramma, Supdt, and K. Nochan Kumar, Jr. Asst. and. are responsible for these irregularities.

6. Statement of Sri Movva Subhakar S/o Hemadri Rao, age 51 yrs, Class IV contractor, RWS & S Department, R/o D. No. 6-123/c, Near Hanuman Temple, Nidamanuru village, Vijayawada Rural, NTR Dist.

On examination, he stated that his native place is Machavaram, Vijayawada City. He further stated that he is working as a class IV contractor in RWS & S Department, Vijayawada Circle since the year 2013. His pan No. is AGPM 5241M, GST No.37AGFPM524M174. as per the oral instructions of the then Sri G. Sainadh, the then Executive Engineer (E.E), RWS & S Department, Vijayawada circle, he completed the renovation works i.e Painting, sealing works, Bathroom repairs, ground tiles, electrical works of office of Executive Engineer, RWS & S Department, Vijayawada circle situated at Opp: PWD Grounds, Bandar Road, Vijayawada during July 2018.

The renovation works value is approximately Rs. 9 Lakhs.

Thereafter he received the payment through SBI Cheque No. 656824 for Rs. 5,32,288/- dt. 9.8.2018, SBI cheque No. 642198, Rs. 50,600/- dt. SBI Cheque No. 566559, Rs. 68,700/- dt. 9.9.2018, SBI Cheque No. 566557, Rs. 45,020/- dt. 10.09.2018, total amount Rs. 6,96,608/-. But the Executive Engineer, RWS & S Department, Vijayawada did not pay the GST amount of 12 % of the total renovation works worth Rs. 6,96,608/- to him for onward paying the same 12% GST to Govt.

In this regard he asked the EE, SE, ENC of RWS & S Dept. for a 12% GST amount through RTI Act., in turn, on 29.01.2021, the Public information officer, O/o EE, RWS & S Dept., Vijayawada Division replied through his letter vide RC No. A4/RTI/2005/2020-21 that the Government gave directions to recover GST 2% on GST, TDS from 01.10.2018 onwards payments, hence they did not recover GST 2% on the payment made to
him. If the EE, RWS & S paid GST 12% to him, he would have paid the same to Government.

He asked the Executive Engineer Sainath why the GST is not being given and Executive Engineer., G.Sainath said that he is not able to give the GST amount as he is not recorded the details of the renovation works done.

(Contd.P-22)

7. Statement of Sri Potharlanka Rama Krishna S/o Koteswara Rao age 43 yrs, office Supdt., O/o EE, RWS & S, Project Division, Vijayawada.

On examination, he stated that he is working as an office Supdt. In the O/o EE, RWS & S, Project Division, Vijayawada since 16.12.2020. presently Sri D. Sainadh is working as Executive Engineer, RWS & S, Project Division, Vijayawada. While he was present in the office at about hrs on 11.01.2021, the ACB officials of Vijayawada are conducting the Surprise Check in their office. ACB officials verified the records relating to "New SVS SC Housing Colony, Kotturu Tadepalli", Vijayawada Rural, and some other official records and seized some records for their enquiry. At present, four Data Entry operators are working in their Division office.

During the enquiry, obtained service particulars and Job Charts of the suspect officers, jurisdiction, and tenure of officers and staff of the RWS & S, Vijayawada Division responsible for the above irregularities and documents related to the enquiry.

8. Statement of Smt. Kosanam Rajya Lakshmi w/o Kopuri Bosubabu, age 37 yrs, Typist O/o EE, RWS & S, Project Division, Vijayawada.

On examination, she stated that since 13.01.2020 she has been working as a typist/ Dispatch clerk in the O/o EE, RWS & S, Project Division, Vijayawada, and she was selected on compensative grounds. Now she is doing the work of dispatch clerk, today i.e 11.01.2021 at about 12.30 hrs ACB officials of Vijayawada are conducting the Surprise Check in their office while she was present in the office, etc, facts.

Thus the Government Servant failed to conduct proper scrutiny of the invoices/ quality control certificates M.Books, and made the payment, for renovation works of the office of Executive Engineer, RWS & S (P) Division, Vijayawada in the year 2018, costing more than 5.00 Lakhs and paid the total amount Rs. 6,96,608/- to Sri Movva Subhakar, Contractor, Vijayawada vide SBI Cheque No. 656824 for Rs. 5,32,288/- dt. 9.8.2018, SBI cheque No. 642198, Rs. 50,600/- dt. 9.9.2018, SBI Cheque No. 566559, Rs. 68,700/- dt. SBI Cheque No. 566557, Rs. 45,020/- dt. 10.09.2018 and thereby violated the AP Public works Department Codes, AP Public works Accounts Codes, GO MS No. 124 dt. 25.8.2014 of PR & R (PROGS.I) Dept.

Thereby (SO-2) violated Rule III -7 under Article- 125 of AP Financial Code Volume-I R/w G.O.Ms. No. 258, Dt.20.09.2013 of Finance (TFR) Department, Govt. of AP, mandates materials/stores costing more than Rs.1,00,000 shall be procured through the e-procurement platform only, Which may cause Un-Due favor to the contractors and corresponding loss to the Government Exchequer.

CHARGE-III:

That the Govt. Servant (GS) failed to stop the payments made for five

(Contd.P-23)

numbers of outsourcing Data entry operators engaged by GS at RWS & S Vijayawada Division office, Vijayawada The GS failed to supervise his staff resulting in improper maintenance of office records.

FACTS & EVIDENCE:

During Surprise Check, the Inspector asked the Office Superintendent to produce the records of the Accounts Branch. Then the Superintendent stated that Sri K.Nochan Kumar did not hand over the charge to him and the Superintendent Charge is at present with Sri K.Nochan Kumar, Junior Assistant. Then the Inspector requested Sri K.Nochan Kumar, Junior Assistant to produce the records. Then the Inspector randomly verified the following records.

ATTENDANCE REGISTER:

i) Sri D. Sainath, EE is on Casual Leave on 11.01.2021, 12.01.2021 and has permission on 9th, 10th, 13th to 15th January 2021 and he has obtained CL from Engineer-in-Chief, to go to Delhi on his personal work.

ii) A separate attendance registers are being maintained for regular employees and DEOs. As per the attendance register of the regular employees, only 14 names of the employees were entered in the register. At the time of the surprise check 10-Regular Employees, 1-Contract Employee, and 4-DEOs are present in the office. It is observed that 9 employees put their signatures on the date of 11.01.2021 and Smt. K. Sujatha, AEE failed to put signatures on 08.01.2021 and 11.01.2021. For the remaining 4-Regular Employees, the EE is on CL, 1-Sr.Asst. is on OD at Eluru, 1-Long leave and Sri B.Srinivasa Rao, DAO, is went on ELFP from 01.10.2020 to 30.11.2020 and did not report back for duties.08.01.2022

INSPECTION REPORTS OF THE SE, RWS & S, CIRCLE, VIJAYAWADA:

i. ACCOUNTS BRANCH: On perusal of the inspection reports of 2018-19, and 2019-20, the then Superintending Engineer, RWS & S Circle, Vijayawada in his observation mentioned that the Executive Engineer (Govt. Servant), RWS & S (P) Division, Vijayawada has made payment for 5-Data Entry Operators as against the permission accorded for 2-Data Entry Operators to the Division Office. As per Proceeding No. RWS-Budget/2012, Dt.21.05.2012 of the SO & Engineer in Chief, RWS & S, Hyderabad has accorded permission for 2 Nos. of data entry operators only to the division office. But during the surprise check it is observed that as on date 4-Data entry operators (1) K.Ramadevi, 2), T.Bharathi, 3) Y.Sunith Kumar and 4) V.Yakshith are still working in the O/o EE, RWS & S, Project Division as Data Entry Operators.

ii.**Drawing Branch**: It is mentioned by the SE, RWS & S Circle, Vijayawada, that the Executive Engineer, RWS & S(P) Division, Vijayawada has not invited e-tender for certain works, costing more than 5.00 Lakhs.

Then the Inspector seized the copies of the above inspection reports for further enquiry in the presence of mediators.

During Surprise Check, the Inspector secured the presence of the following DEOs who are present in the office and examined them.

(Contd.P-24)

1. Sri Yalagandula Sunith Kumar:

On examination, he stated that he has been working as DEO in the O/o EE, RWS & S, Vijayawada, Project Division since 01.08.2020. He is used to uploading the work bills online in MGNREGS pertaining to drainage works which were received from sub-divisions and after online he used to return the bills to the concerned. He further maintains the registers of sand and cement etc, facts.

2. **Kum. Tolapu Bharathi**:

On examination, she stated that she has been working as DEO in the O/o EE, RWS & S, Project Division, Vijayawada since 2012 and she is doing the work as per the instructions and close supervision of Smt. Sujatha, AEE of the O/o RWS & S, Project Division, Vijayawada. She is not maintaining any records and used to upload the work bills and salary bills in online etc, facts.

3. Smt. Kurapati Ramadevi:

On examination, she stated that she has been working as DEO in the O/o EE. RWS & S. Project Division, Vijayawada since 2008. She is also doing the work as per the instructions and close supervision of Smt. Sujatha, AEE of their office.

4. Sri Vanguru Yakshith:

On examination, he stated that he has been working as DEO in the O/o EE, RWS & S, Project Division, Vijayawada since September 2020. He is doing the work of downloading the mails which were received to this office from 7-SubDivisions and used to prepare them in proper format and sending the same to the circle office and other works allotted by the EE, RWS & S etc, facts.

During the enquiry, the following officials were examined

1. Sri Kancherla Ambedkar, S/o K. Bhaskara Rao, 53 years, Assistant Audit Officer, O/o the Asst. Audit Officer, State Audit (MPP), Machilipatnam, Krishna District, (Mediator-I).

He speaks about their presence as mediators and the things that happened during the Surprise Check in the O/o RWS & S, Gudivada Division, Krishna Dist, i.e., on 11.01.2021, etc. facts.

2. Sri Pulapaka Vijaya Bhaskara Rao, S/o Ranga Rao, 54 years, Senior Auditor, O/o the Asst. Audit Officer, State Audit (MPP), Machilipatnam, Krishna District (Mediator-II).

He speaks about their presence as mediators and the things that happened during the Surprise Check in the O/o RWS & S, Gudivada Division, Krishna Dist, i.e., on 11.01.2021, etc. facts.

(Contd.P-25)

3.Statement of Sri D.Venkata Ramana S/o DVS Narayana, age 58 yrs, Superintendent Engineer, RWS & S, Vijayawada Circle,

He is working as Supdt. Engineer, RWS & S, Krishna Circle since 22.8.2022. as per the request of ACB officials today he attended the office of DSP, ACB, Vijayawada, and stated the following contents regarding to the surprise check proceedings dated 11.01.2021 of ACB, Vijayawada on O/o Executive Engineer, Rural water supply & sanitation, Project Division, Vijayawada. On perusal of the records it is found that Sri D. Sainath, EE , RWS & S (P) Division, Vijayawada has made payment for 5 data entry operators as against the permission accorded for 2 data entry operators to the Division office.

vide Proceedings No. RWS-budget/2012, DT.21.05.2012 of Engineer In Chief, RWS & S. Vide Proceedings No. RWS/ Budget /2012 dt 25.05.2012 of Engineer in Chief, RWS & S, AP, Vijayawada issued orders for appointing two Data entry operators at o/o Divisional Engineer, RWS & S office, Vijayawada Division, Krishna Dist. Later on 01.05.2018, the SE, RWS & S circle, Vijayawada was holding Addl Charge as SE and permitted himself not obtained ratification or permission from the ENC, RWS as S.E is not competent to accord permission to engage Additional DEOs under 5 **%** NDRWP supporting funds.

As per the directions of the Engineer in Chief (ENC), RWS & S,AP, only two data entry operators were permitted to engage in the Division office and one data entry operator was Circle office, and thereby violated the procedure

4. Statement of Sri Dhavaleswarapu Rama Linga Prasad S/o Veerabhadraiah, age 57 yrs, Executive Engineer, RWS & S (Projects) Division, Vijayawada,

On examination, he stated that he is working as Executive Engineer, Engineer, RWS & S, Vijayawada Division (Project) since 01.08.2021. He stated that the contents regarding the surprise check proceedings dated of ACB, Vijayawada on O/o Executive Engineer, Rural water supply & sanitation, Project Division, Vijayawada. On perusal of the records it is found that Sri D. Sainath, EE E.E, RWS & S (P) Division, Vijayawada has made payment for 5 data entry operators as against the permission accorded for 2 data entry operators to the Division office.

vide Proceedings No. RWS-budget/2012, DT.21.05.2012 of Engineer In Chief, RWS & S. Vide Proceedings No. RWS/ Budget /2012 dt 25.05.2012 of Engineer in Chief, RWS & S, AP, Vijayawada issued orders for appointing two Data entry operators at o/o Divisional Engineer, RWS & S office, Vijayawada Division, Krishna Dist. Later on 01.05.2018, the SE, RWS & S circle, Vijayawada was holding Addl Charge as SE and permitted himself not obtained ratification or permission from the ENC, RWS as SE is not competent to accord permission to engage Additional DEOs under 5 % NDRWP supporting funds.

(Contd.P-26)

As per the directions of the Engineer in Chief (ENC), RWS & S, AP, only two data entry operators were permitted to engage in the Division office and one data entry operator was Circle office, and thereby violated the procedure.

5. Statement of Sri Shaik Hussein Saheb S/o Masthan Saheb, age 53 yrs, Divisional Accounts officer (works) O/o Executive Engineer, Panchayath Raj & Rural Development, Vijayawada Division.

He is working as Divisional Accounts officer, O/o Executive Engineer, Panchayath Raj & Rural Development, Vijayawada Division since 01.07.2022 and FAC to the post of Divisional Accounts officer (DAO-W) Engineer, RWS & S, Vijayawada Division (Project) since 17.08.2022. He further stated the following contents regarding the surprise check dated of ACB, Vijayawada on O/o Executive Engineer, Rural water supply & sanitation, Project Division, Vijayawada. On perusal of the records it is found that Sri D. Sainath, EE E.E, RWS & S (P) Division, Vijayawada has made payment for 5 data entry operators as against the permission accorded for 2 data entry operators to the Division office.

vide Proceedings No. RWS-budget/2012, DT.21.05.2012 of Engineer In Chief, RWS & S. Vide Proceedings No. RWS/ Budget /2012 dt 25.05.2012 of Engineer in Chief, RWS & S, AP, Vijayawada issued orders for appointing two Data entry operators at o/o Divisional Engineer, RWS & S office, Vijayawada Division, Krishna Dist. Later on 01.05.2018, the SE, RWS & S circle, Vijayawada was holding Addl Charge as SE and permitted himself not obtained ratification or permission from the ENC, RWS as SE is not competent to accord permission to engage Additional DEOs under 5 % NDRWP supporting funds.

As per the directions of the Engineer in Chief (ENC), RWS & S, AP, only two data entry operators were permitted to engage in the Division office and one data entry operator was Circle office, and thereby violated the procedure

6. Statement of Sri Potharlanka Rama Krishna S/o Koteswara Rao age 43 yrs, office Supdt., O/o EE, RWS & S, Project Division, Vijayawada.

On examination, he stated that he is working as an office Sudpt. In the O/o EE, RWS & S, Project Division, Vijayawada since 16.12.2020. presently Sri D. Sainadh is working as Executive Engineer, RWS & S, Project Division, Vijayawada. While he was present in the office at about hrs on 11.01.2021, the ACB officials of Vijayawada are conducting the Surprise Check in their office. ACB officials verified the records relating to "New SVS SC Housing Colony, Kotturu Tadepalli", Vijayawada Rural, and some other office records and seized some records for their enquiry. At present, four Data Entry operators are working in their Division office.

Thus the Govt. Servant failed to stop the payments made for five

(Contd.P-27)

numbers of out sourcing Data entry operators engaged by Sri D.Sainadh, EE., RWS & S Division, Vijayawada at RWS & S Vijayawada Division office, Vijayawada Krishna Dist from the months from April 2018 to February 2019 vide Cash Book Voucher Nos. 10,11,25, 55, 79, 84, 104, 118, 141, 146 & 155.

Further, the Govt. Servant also failed to stop payments for five numbers of Data entry operators on an outsourcing basis from March 2019 to July 2019 vide Cash Book Voucher Nos. 1, 30, 36 & 74. Three numbers DEOs engaged from August 2019 to January 2020 vide Vr. Nos. 78, 117, 123, 138 where in the Procgs. No. RWS-Budget/2012, dated 21.05.2012 of the SO & Engineer -in-chief, RWS &S, Hyderabad has accorded permission for 2 Nos. of Data Entry operators to the Division office.

Thereby the Govt. Servant violated the AP Public works Department Codes, AP Public works Accounts Codes and Procgs. No. RWS- Budget/2012, dated 21.05.2012 of the SO & Engineer -in-chief, RWS &S, Hyderabad.

CHARGE-IV:

That the Govt. Servant (GS) failed to supervise his staff resulting which the official records are not maintained properly and the GS also not maintained the office Record properly and statutory recoveries such as Income Tax and GST.

FACTS & EVIDENCE:

During the Surprise check, two persons entered into the O/o EE, RWS&S, Project Division, Vijayawada, and when the Inspector asked them, they stated that they are the contractors of RWS&S works. Then the Inspector asked them about their arrival at that time, then they stated that they came to the office to consult the EE, about their pending bills, further, the Inspector requested them to express their opinion over the performance of the employees of the O/o EE, RWS&S, Project Division and recorded the statement of Sri Movva Subhakar, contractor in detail as follows.

Sri Movva Subhakar S/o Hemadri Rao, aged 49 Yrs, R/o D.No.6- 123/C, near Hanuman Temple, Nidamanuru (V), Vijayawada Rural Mandal:

On examination, he stated that he is doing contract works of RWS&S since 8 years, and he had a Class-IV contractor license. In the year 2020 he got allotted the work at Damuluru (V) Ibrahimpatnam Mandal through nomination basis for Rs.4,30,000/- and made payment through CFMS. But when he is requesting to return the EMD amount of Rs.10,700/- they are not paying the same.

Later he has done contract work for RO Plant and shed at Kachavaram (V) of Ibrahimpatnam (M) and completed the work

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intime and the EE, not paying the amount of Rs.6,48,000/- within time.

The Inspector asked the Jr. Asst. K. Nochan Kumar asked to produce the above 4 vouchers along with Cash Book. The Jr. Asst. produced the above 4 vouchers along with Cash Book. One of the mediators verified the 4 vouchers and found the following lapses.

1) Cheque No. 656824 of SBI for Rs. 5,32,288/- dt. 28-07-2018.

It is observed that the amount of was paid towards the purchase of a new system for implementation of e-office/ CFMS etc. vide bill no. VJA1819/12212, dt. 28-07-2018, CGST and SGST were paid to the contractor as per the Voucher produced by him. Whereas Income Tax was not deducted from the contractor. An amount of Rs. 5,322/- to be deducted as Income Tax which is a loss to the Government.

2) Cheque No. 642198 of SBI for Rs. 50,600/- dt. 18-08-2018

It is observed that the amount was paid towards the purchase of Birla Care Putti in RWS & S (P) Division, Vijayawada vide voucher 25 dt.18-08- 2018, CGST and SGST were not paid due to the implementation of GST TDS from 01-10-2018 Whereas Income Tax was not deducted from the contractor. An amount of Rs. 506/- to be deducted as Income Tax which is a loss to the Government.

3) Cheque No. 566559 of SBI for Rs. 68,700/- dt. 27-08-2018

It is observed that the amount of was paid towards the purchase of Labour Charges of Renovation in RWS & S (P), Vijayawada vide Voucher No. 07 of 18-19 dt. 27-08-2018, CGST and SGST were not paid due to the implementation of GST TDS from 01-10-2018 Whereas Income Tax was not deducted from the contractor. An amount of Rs. 687/- is to be deducted as Income Tax which is a loss to the Government.

4) Cheque No. 566557 of SBI for Rs. 45,020/- dt. 21-08-2018

It is observed that the amount of was paid towards the purchase of Painting materials in RWS & S (P) Division Vijayawada vide Voucher No. of 18-19 dt.21-08-2018, CGST and SGST were not paid due to the implementation of GST TDS from 01-10-2018 Whereas Income Tax was not deducted from the contractor. An amount of Rs.450/- is to be deducted as Income Tax which is a loss to the Government.

On verification, it is observed that Sri M. Subhakar was entrusted a work by name "Replacement of Drinking water pipe line in SC area segment of Damuluru Village, Ibrahimpatnam Mandal, the estimated value was Rs. 4,78,937/-.

While awarding the work to the contractor, the contractor deposited Rs. 10,700/- as EMD (Earnest Money Deposit) vide DD.

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No. 335581, dt. 06-05-2020. While verification deposit Register AC No. 31643002610, page no. 30 dt.06-06-2020 After completion of the work the final Bill made with 5% deduction was in respect of EMD and FSD (Further Security Deposit). But EMD was already deposited while awarding the work. So it is found that EMD was deducted twice. The same was pointed out by the contractor and represented on 22-06-2020 to refund the EMD of Rs. 10,700/-. But till date, the refund was not made good to the contractor. It is concluded that a delay in payment was observed.

The Inspector seized the Cash Books 1) 20040108101-SBI Bhaskara Raopeta T.S.C. General O/o Executive Engineer, RWS & S Dept (P) Division, Vijayawada 2) Deposits A/C No. 31643002610 Register.

During the enquiry, the following witnesses and recorded their statements as follows.

1. Sri Kancherla Ambedkar, S/o K. Bhaskara Rao, 53 years, Assistant Audit Officer, O/o the Asst. Audit Officer, State Audit (MPP), Machilipatnam, Krishna District. (Mediator-I).

He speaks about their presence as mediators and the things that happened during the Surprise Check in the O/o RWS & S, Gudivada Division, Krishna Dist, i.e., on 11.01.2021, etc. facts.

2. Sri Pulapaka Vijaya Bhaskara Rao, S/o Ranga Rao, 54 years, Senior Auditor, O/o the Asst. Audit Officer, State Audit (MPP), Machilipatnam, Krishna District. (Mediator-II).

He speaks about their presence as mediators and the things that happened during the Surprise Check in the O/o RWS & S, Gudivada Division, Krishna Dist, i.e., on 11.01.2021, etc. facts.

3. Statement of Sri D. Venkata Ramana S/o DVS Narayana, age 58 yrs, Superintendent Engineer, RWS & S, Vijayawada Circle.

He is working as Superintendent Engineer, RWS & S, Krishna Circle since 22.8.2022. as per the request of ACB officials today he attended the office of DSP, ACB, Vijayawada, and stated the following contents regarding to the surprise check proceedings dated 11.01.2021 of ACB, Vijayawada on O/o Executive Engineer, Rural water supply & sanitation, Project Division, Vijayawada.

On perusal of the files, it is observed that the Replacement of the Drinking water pipe lane of SC is segmented .1, Damuluru village, Ibrahimpatnam (M) of estimated cost Rs. 5,00,000/- under CMDF grant. The work was administratively sanctioned on 06.3.2020 and the agreement was concluded by the E.E. on 9.5.2020, the work was executed by Sri M. Subhakar, VWC village works committee, Damuluru. In this agreement towards earnest money deposit (EMD) was paid by the agency Sri M. Subhakar vide DD No. 335581 dt. 6.5.2020 to EE, RwS &S, Vijayawada Division in favor of EE, RWS &S, Vijayawada Division, Whereas the payments were made through

(Contd.P-30)

PAO for CMDF Grant. During payment, the PAO was deducted from the payment of EMD, even though EMD was paid by the agency. In this regard, the EE had to deposit in favor of PAO duly drawing the deposit amount of Rs. 10,700/-which was already paid by the agency and deposited in the SBI account and reference page No. 4 of Passbook, SBI, Bhaskararaopeta, Vijayawada. Divisional Accounts officer and Supdt. are responsible for the bank transactions in the Division.

CASH BOOK - NRDWP Funds: only one cash book is maintained for both 3 % AND 5% NRDWP support funds instead of a separate cash book for each program as per accountancy procedure. Reconciliation was not done for both 3% and 5% NRDWP support funds for the year 2019-2020.

BANK ACCOUNT- NRDWP: only one bank account is operating for both 3 % AND 5% NRDWP support funds instead of separate bank accounts for each program as per accountancy procedure.

CASH BOOK -O & M: Two bank accounts are maintained for the O & M program (Axis bank and SBI) instead of one account.

Staff Movement Register: being maintained only from 01-09-2020 before that not maintained by Establishment section Kumar Jr. Asst.

Administrative Sanction Registers: not updated for the years 20182019 and 2019-2020 by the Merugu Sravanthi, Asst. Executive Engineer, Drawing Branch, O/o EE, RWS, Vijayawada Division.

Charge not handover to superintendent o/o the E.E RWWS & S (P) Vijayawada: Sri P. Rama Krishna, Superintendent was joined in the office o/o the EE, RWS & S (P) Vijayawada on 16-12-2020, but the charge of the post of superintendent was still not handed over to him by the Sri K.Nochan Kumar, Jr. Assistant, As Such Sri P. Rama Krishna, Superintendent was kept idle without any work entrustment authentically. Sri K.Nochan Kumar, Jr. Asst is internally not handed over the Supdt. Charge to newly joined Supdt. Sri P. Rama Krishna. The Sri BVNSV Prasad, Divisional Accounts officer also failed to supervise office procedures.

Certain Statutory Recoveries/ Deductions Like I.T, GST, EMD Etc - Violations:

INCOME TAX: on random verification, it is observed that income tax was not deducted from the contractor towards the purchase of the New Computer System vide bill No. VJA 1819/12212, DT.28.07.2018. An amount of Rs.5,322/- is not deducted as of 01.11.2021 and is to be deducted as Income Tax which is a loss to the Government. Sri BVNSV Prasad, Divisional Accounts Officer, and Smt. M. Nageswaramma, Supdt. O/o EE, RWS is responsible for this irregularity

GST: On random verification, it is observed that the amount was paid under labour charges of renovation of office of EE, RWS & S, Vijayawada Vijayawada vide voucher No. 07 of 18-19,

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dt.27.08.2018, CGST and SGST were not paid, and also income tax was not deducted. Sri BVNSV Prasad, Divisional Accounts officer, and K. Nochan Kumar, Jr. Asst. and Smt M. Nageswaramma, Supdt. are responsible for these irregularities.

EMD: on random verification, it is observed that a refund of the EMD of Rs.10,700/- was not made to the contractor even after due representation by the contractor in the execution of work "REPLACEMENT OF DRINKING WATER PIPE LINE IN SC AREA SEGMENT OF DAMULU VILLAGE, IBRAHIMPATNAM MANDAL (Estimated Cost Rs. 4,78,937/-). The DD. No.335581 dt. 6.5.2020 of SBI, Nidamanuru Branch was handed over by contractor Sri Subhakar to EE, RWS for the above work, it is not submitted to the Pay and Accounts officer by Superintendent Smt Nageswaramma, O/o EE but she failed to send the amount to PAO through Challan. Later the amount was paid to the contractor on 13.08.2021.

4. Statement of Sri Dhavaleswarapu Rama Linga Prasad S/o Veerabhadraiah, age 57 yrs, Executive Engineer, RWS & S (Projects) Division, Vijayawada.

On examination, he stated that he is working as Executive Engineer, Engineer, RWS & S, Vijayawada Division (Project) since He stated that the contents regarding the surprise check proceedings dated 11.01.2021 of ACB, Vijayawada on O/o Executive Engineer, Rural water supply & Sanitation, Project Division, Vijayawada. He further corroborated LW. 3, Sri D.V. Ramana, Superintending Engineer in all the procedural aspects and material aspects.

5. Statement of Sri Shaik Hussein Saheb S/o Masthan Saheb, age 53 yrs, Divisional Accounts officer (DAO works) O/o EE, Panchayath Raj & Rural Development, Vijayawada Division.

He is working as Divisional Accounts Officer (DAO), O/o Executive Engineer, Panchayath Raj & Rural Development, Vijayawada Division since 01.07.2022 and FAC to the post of Divisional Accounts Officer (DAO- W) Engineer, RWS & S, Vijayawada Division (Project) since 17.08.2022. He further stated the following contents regarding the surprise check dated 11.01.2021 of ACB, Vijayawada in their office.

CASH BOOK - NRDWP Funds: Only one cash book is maintained for both 3 % AND 5% NRDWP support funds. Reconciliation was not done for both 3 % and 5% NRDWP support funds for the year 2019-2020. Sri BVNSV. Prasad, Divisional Accounts Officer, and Smt. M. Nageswaramma, Supdt. is responsible for these irregularities.

BANK ACCOUNT- NRDWP: As per procedure only one bank account is operating for both 3 % AND 5% NRDWP support funds for each program as per the accountancy procedure.

CASH BOOK -O & M: Two bank accounts are maintained for the O & M program (Axis Bank and SBI) for 14th & 15th finance commission funds and Pay and accounts payments.

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Staff Movement Register: Being maintained only from 01-09-2020 prior to that not maintained by the Establishment section Sri K. Nochan Kumar Jr. Asst.

Charge not handover to superintendent o/o the E.E RWS & S (P) Vijayawada: Sri P. Rama Krishna, Superintendent was joined in the office o/o the EE, RWS & S (P) Vijayawada on 16-12-2020. But the charge of the post of superintendent was still not handed over to him by the Sri K.Nochan Kumar, Jr. Assistant, As Such Sri P. Rama Krishna, Superintendent was kept idle without any work entrustment authentically.

Certain Statutory Recoveries/ Deductions Like I.T, GST, EMD Etc - Violations:

INCOME TAX: On random verification, it is observed that income tax was not deducted from the contractor towards the purchase of the New Computer System vide bill No. VJA 1819/12212, DT.28.07.2018. as per the reply of Smt.M. Nageswaramma, Supdt. an amount of Rs.5,322/- is not deducted as of 01.11.2021 and is to be deducted as Income Tax which is a loss to the Government.

GST: On random verification, it is observed that the amount was paid under labour charges of renovation of the office of EE, RWS & S, Vijayawada vide voucher No.07 of 18-19, dt.27.08.2018, CGST and SGST were not paid, and also income tax was not deducted. Sri D. Sainath, EE, Sri BVNSV. Prasad, Divisional Accounts officer, Smt M. Nageswaramma, Supdt, and K. Nochan Kumar, Jr. Asst. and. are responsible for these irregularities.

EMD: On random verification, it is observed that a refund of the EMD of Rs.10,700/- was not made to the contractor even after due representation by the contractor in the execution of work "REPLACEMENT OF DRINKING WATER PIPE LINE IN SC AREA SEGMENT OF DAMULU VILLAGE, IBRAHIMPATNAM MANDAL (Estimated Cost Rs. 5,00,000/-). The DD. No.335581 dt. 6.5.2020 of SBI, Nidamanuru Branch was handed over by contractor Sri Subhakar to EE, RWS for the above work, it is not submitted to the Pay and Accounts officer by the Divisional Accounts officer and Superintendent Smt. Nageswaramma, O/o EE but she failed to send the amount to PAO through Challan. Later the amount was paid to the contractor on 13.08.2021.

6. Statement of Sri Movva Subhakar S/o Hemadri Rao, age 51 yrs, Class IV contractor, RWS & S Department.

On examination, he stated that he is doing contract work of RWS&S since about 8 years, and he had a Class-IV contractor license. In the year 2020 he got allotted the work at Damuluru (V) Ibrahimpatnam Mandal through nomination basis for Rs.4,30,000/- and made payment through CFMS. EMD of Rs.10,700/- was not made to him even after due representation by the contractor in the execution of the work "REPLACEMENT OF DRINKING WATER PIPE LINE IN SC AREA SEGMENT OF DAMULU VILLAGE, IBRAHIMPATNAM MANDAL (Estimated Cost Rs. 5,00,000/-). The DD. No.335581 dt.

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6.5.2020 of SBI, Nidamanuru Branch was handed over by contractor Sri Subhakar to EE, RWS for the above work, it is not submitted to the Pay and Accounts officer by the Divisional Accounts officer and Superintendent Smt. Nageswaramma, O/o EE but she failed to send the amount to PAO through Challan. Later the amount was paid to the contractor on 13.08.2021.

INCOME TAX: income tax was not deducted from him towards the purchase of the New Computer System vide bill No. VJA 1819/12212, DT.28.07.2018. as per the reply of Smt.M. Nageswaramma, Supdt. an amount of Rs.5,322/- is not deducted as on 01.11.2021 and is to be deducted as Income Tax which is a loss to the Government.

7. Statement of Sri Potharlanka Rama Krishna S/o Koteswara Rao age 43 yrs, office Supdt., O/o EE, RWS & S, Project Division, Vijayawada.

On examination, he stated that he is working as an office Sudpt. In the O/o EE, RWS & S, Project Division, Vijayawada since 16.12.2020. presently Sri D. Sainadh is working as Executive Engineer, RWS & S, Project Division, Vijayawada. While he was present in the office at about 12.30 hrs on 11.01.2021, the ACB officials of Vijayawada are conducting the Surprise Check in their office. ACB officials verified the office records. At present, four Data Entry operators are working in their Division office.

During the enquiry, obtained service particulars and Job Charts of the suspect officers, jurisdiction, and tenure of officers and staff of the RWS & S, Vijayawada Division responsible for the above irregularities and documents related to the enquiry.

8. Statement of Smt. Kosanam Rajya Lakshmi w/o Kopuri Bosubabu, age 37 yrs, Typist O/o EE, RWS & S, Project Division, Vijayawada.

On examination, she stated that since 13.01.2020 she has been working as a typist/ Dispatch clerk in the O/o EE, RWS & S, Project Division, Vijayawada, and she was selected on compensative grounds. Now she is doing the work of dispatch clerk as per the instructions of EE, RWS & S, Project Division, Vijayawada. Today i.e 11.01.2021 at about 12.30 hrs ACB officials of Vijayawada are conducting the Surprise Check in their office while she was present in the office, etc, facts.

Thus the Govt. Servant failed to maintain the following records and did not supervise his staff in the following mentioned subjects resulting in improper maintenance of office records, and not handing over the Supdt. charge by Jr. Asst., and other following.

CASH BOOK - NRDWP Funds: Only one cash book is maintained for both 3 % AND 5% NRDWP support funds instead of a separate cash book for each program as per accountancy procedure. Reconciliation was not done for both 3 % and 5% NRDWP support funds for the year 2019-2020.

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BANK ACCOUNT- NRDWP: Only one bank account is operating for both 3 % AND 5% NRDWP support funds instead of separate bank accounts for each program as per accountancy procedure.

CASH BOOK -O & M: Two bank accounts are maintained for the O & M program (Axis bank and SBI) instead of one account.

Staff Movement Register: Being maintained only from 01-09-2020 prior to that not maintained by Establishment section Kumar Jr. Asst.

Administrative Sanction Registers: not updated for the years 2018-2017 and 2019-2020.

Sri P. Rama Krishna, Superintendent was joined in the office o/o the EE,
RWS & S (P) Vijayawada on 16-12-2020. but the charge of the post of superintendent was not handed over to him by Sri K.Nochan Kumar, Jr. Assistant till 11.01.2021.

INCOME TAX: IT was not deducted from the contractor towards the purchase of the New Computer System vide bill No. VJA 1819/12212, DT.28.07.2018. An amount of Rs.5,322/- as on 01.11.2021 EMD: The refund of the EMD of Rs.10,700/- was not made to the contractor even after due representation by the contractor in the execution of work "REPLACEMENT OF DRINKING WATER PIPE LINE IN SC AREA SEGMENT OF DAMULU (v), IBRAHIMPATNAM (M) (Estimated Cost Rs. 4,78,937/-).

Thus the Government Servant Sri Bellam Konda Venkata Naga Surya Vara Prasad, the then Divisional Accounts officer, RWS & S Division, Vijayawada by his above-mentioned acts has exhibited a lack of integrity, devotion to duty and conduct unbecoming of a Government Servant, showed gross negligence. Hence placing him on his defense before the Commissioner of Inquiries for violation/ contravened the AP Public works Department codes and AP Public Accounts Department codes and violated/ contravened Rule 3 (1), 3 (2) & of A.P. Civil Services (Conduct) Rules, 1964.

The Government Servant has therefore rendered himself liable for regular departmental action for major penalty.

B RAJSEKHAR
SPECIAL CHIEF SECRETARY TO GOVERNMENT

SECTION OFFICER

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ANNEXURE-III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGES AGAINST SRI BELLAM KONDA VENKATA NAGA SURYA VARA PRASAD, THE THEN DAO(W) GRADE-II, PRI DIVISION, VIJAYAWADA AND DAO(W) GRADE-II, RWS&S DIVISION, VIJAYAWADA (FAC) AND NOW WORKING AS DAO(W) GRADE-II, O/O EE, PRI DIVISION, ONGOLE.

The following documentary evidence is available on record.

1.	**Surprise Check Proceedings** conducted on **11.01.2021** at O/o Executive Engineer, RWS & S, Vijayawada Division.	It was drafted by the independent official mediators and shows the facts that were taken place during the Surprise Check and seizure of registers and documents at the O/o Executive Engineer, RWS & S, Gudivada Division.
2.	Attested copy of **CASH BOOK - NRDWP Funds:**	On perusal, the Register is maintained for both 3 % AND 5% NRDWP support funds instead of a separate cash book for each program i.e Water quality monitoring labs and other office expenditure (OOE) and Data entry operators charges as per accountancy procedure. Reconciliation was not done for both 3 % and 5% NRDWP support funds for the year 2019-2020. Data Entry operator's salaries, power charges, internet charges, and Hire vehicles charges are mentioned in this book. Sri BVNSV Prasad, Divisional Accounts officer, and Smt. M. Nageswaramma, Supdt. are responsible for this irregularity
3.	Attested copy of **NRDWP Register** from 01.04.2016 to m19.11.2020 (100 sheets)	Nation Rural Drinking water program work bill payments are mentioned in this book. It observed that in page No.76 mentioned that Rs. 19,39,448/- was paid to Sri Garapati constructions for the "New SVS at Housing colony of Kotthuru Tadepalli village, Vijayawada Rural (M). GST paid details also mentioned in this book.

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4.	Attested copy of Deposits A/C No. 31643002610 Register,	This book is maintained for contractors' Entrustment of Money deposits & Further Security Deposit (EMD/ FSDs) and refund of deposits are mentioned in this book. it is observed that, mentioned the details that the contractor Sri Subhakar who executed the work of "REPLACEMENT OF DRINKING WATER PIPE LINE IN SC AREA SEGMENT OF DAMULU VILLAGE, IBRAHIMPATNAM MANDAL (Estimated Cost Rs. 4,78,937/-) handed over the DD. No.335581 dt. 6.5.2020 of SBI,Nidamanuru Branch to O/o EE, RWS for the above work, it is not remitted to the official account in time, and the EMD amount was deducted from the contractor, later the amount of Rs. 10,700/- paid to the contractor after surprise check of ACB on 13.08.2021.
5.	Attested copy of Cash Book -O & M:	On perusal of the book, two bank accounts are maintained for the O & M program (Axis bank and SBI) instead of one account. Sri BVNSV Prasad, Divisional Accounts officer, and Smt. M Nageswaramma, Supdt. is responsible for this irregularity.
6.	Staff Movement Register:	On perusal of the Register, it is being maintained only from 01-09-2020 prior to that not maintained by the Establishment section Kumar Jr. Asst
7.	Administrative Sanction Registers:	not updated for the years 2018-2019 and 2019-2020 by Merugu Sravanthi, Asst. Executive Engineer, Drawing Branch, O/o EE, RWS, Vijayawada Division.
8.	Measurement Book No. 102A/RWS/P/VJA/2018-2019 of O/o Executive Engineer, RWS & S (P) Division, Vijayawada	It reveals that Sri D. Sainath, EE E.E, RWS & S (P) Division, Vijayawada has made payment for 5 data entry operators as against the permission accorded for 2 data entry operators to the Division office vide Proceedings No. RWS-budget/2012, DT.21.05.2012 of Engineer In Chief, RWS & S.

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9.	Letter pertaining to Charge not handover to superintendent o/o the E.E RWWS & S (P) Vijayawada:	Sri P. Rama Krishna, Superintendent was joined in the office o/o the EE, RWS & S (P) Vijayawada on 16-12-2020. but the charge of the post of superintendent was still not handed over to him by the Sri K.Nochan Kumar, Jr. Assistant, As Such Sri P. Rama Krishna, Superintendent was kept idle without any work entrustment authentically. Sri K.Nochan Kumar, Jr. Asst is internally not handed over the Supdt. Charge to newly joined Supdt. Sri P. Rama Krishna. The Sri BVNSV Prasad, Divisional Accounts officer also failed to supervise office procedures.
10.	Reply of Smt M. Nageswaramma, Supdt. RWS & S, Vijayawada division to EE, RWS, Vijayawada dt 10.01.2023	It reveals that she was **not deducted the IT amount Rs. 5823/- from the bill** due to oversight after the ACB Check on 23.2.2021 the amount was paid to IT INCOME TAX: IT **was not deducted** from the contractor towards the purchase of the New Computer System vide bill No. VJA 1819/12212, DT.28.07.2018. An amount of Rs.5,322/- is not deducted as on 01.11.2021
11.	**File** relating **to "New SVS at New SC Housing Colony of K.Tadepalli (V)"**, Vijayawada Rural. it is having original estimation, working estimates up to 1 to 3, agreement copies, M-Book, B-forms, and invoices will be available (The file containing sheets 722)	• It reveals that On 24.10.2018, Even though the AE, drawing branch made remarks that the quality control certificate was not enclosed and the asset handed over certificate was not enclosed, the EOAT sanction was not enclosed. • The DAO, BVNS Prasad, and Jr. Asst K. Nochan Kumar of the accounts branch also failed to regulate the payment procedures and released a final net amount of Rs.19,39,448/- • Still, now EOAT is not sanctioned. • The quality of pipes is not

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12.	Bunch of papers with a tag containing 2 pages of note file with work ID bearing No. 85020601170006, contractor certificate 2 pages one page of 7F materials 1-page of the certificate, 1-page of Seigniorage charges, 1- page of Release and discharge certificate, 2- pages comparative statement which was the deviation of work from the originally estimated work, 6-sheets of Tax Invoice vide Nos. 069, dt. 02-04-2018, 1215 dt. 29-03-2018, 122 dt 30-03-2018, 1225 dt.30-03-2018, 1227 dt. 30-03-2018, 1228 dt. 30-03-2018 in favour of Bommineni Ramanjaneyalu. 6-sheets of Tax Invoice vide Nos. 069, dt. 02-04-2018, 1215 dt. 29-03-2018, 122 dt 30-03-2018, 1225 dt. 30-03-2018, 1227 dt. 30-03-2018, 1228 dt.30-03-2018 in favour of Garapati Constructions – total sheets 22 Sheets.	verified by the DE Quality control. • Overall all the work quality control verification and obtaining the certificates from the DE,Quality control was not done by EE before making the payments. • As per procedure, the Extensions Agreement time (EOAT) was not obtained from the competent authority which is already submitted to the Government for approval but not received and made the final payment to the agency without EOAT sanction. • The agreement holder of this work is M/s Garapati Constructions, but xerox copies of invoices available of both Bommineni Ramanjaneyulu and Garapati constructions of the same quantity and date. There is no countersign on the back side of invoices. As per the Departmental code is mandatory. Originals invoices are not available in the office file. Sri K. Nochan Kumar, Jr. Asst. is responsible for maintaining the vouchers of contract works for audit, etc. • The year of the invoices, and date were not mentioned in M Book, only the date and month were mentioned in the M. Book. It is also noticed that the Batch number of the material i.e pipes are not mentioned in the M. Book in any quality control reference number if the pipes are cheeked by whether DE/ ED. • In the note file, it is mentioned by AE, Division office that the quality control certificate is not enclosed. Even though the DE, ARVLR Swamy recommended the bill without quality control verification the bill was submitted to the Division

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		office. Later the EE was not observed the nonproducing of the quality control certificate and EOAT sanction order which was given by the Govt. and the final quality certificate of the work which was issued to QC, DE, Krishna dist, and released the final payment of Rs. 24,49,978/- dated 30.10.2018 to M/s Garapati Constructions, Vuyyru.
13.	• Measurement Book No. 2813B/RWS/P/VJA/2015-2016, • Measurement Book No. 2817B/RWS/P/ VJA/2015-2016, • Measurement Book No. 2818 B/RWS/P/ VJA/2015-2016 of O/o Executive Engineer, RWS & S (P) Division, Vijayawada which were issued Sri E. Nancharaiah, AEE, RWS, Vijayawada Rural.	On perusal of these three books, it is revealed that the details of the invoice, work details, and payments details of "New SVS at New SC Housing Colony of K.Tadepalli (V), e-procurement tender notice No.35/to/2017-18. Dt. 29.11. 2017 of the SE, RWS & S Circle, Vijayawada were mentioned in these books by AEE, Sri E. Nancharaiah, and DEE Sri Swamy. Even though did not verify the invoices and their material and batch numbers of the materials.
14.	Proceeding vide Memo No. A1/ 786/ 5% NRDWP/ 2018 Dt. 10.05.2018 of Superintending Engineer, RWS & S, Vijayawada Circle. And two original note files regarding agreements with SRR Constructions and Sri G.Seshukumar, contractor, Nandigama and original LR. RC.No. T2 Data Entry operators/2019 dt. 16.02.2019 Inspection reports of SE, RWS & S, Circle, Vijayawada for the years 2018-19 & 2019-20 and file relating to payment for 5-Data Entry Operators.	On perusal of the inspection reports of 2018-19, and 2019-20, the then SE, RWS & S Circle, Vijayawada in his observation mentioned that the E.E, RWS & S (P) Division, Vijayawada has **made payment for 5-Data Entry Operators as against the permission accorded for 2-Data Entry Operators to the Division Office**. As per Proceeding No. RWS-Budget/2012, Dt.21.05.2012 of the SO & Engineer in Chief, RWS & S, Hyderabad has accorded permission for 2 Nos. of data entry operators only to the division office. But during the surprise check it is observed that as on

		date 4-Data entry operators (1) K.Ramadevi, 2), T.Bharathi, 3) Y.Snith Kumar, and 4) V.Yakshith are still working in the O/o EE, RWS & S, Project Division as Data Entry Operators.
15.	The **Spandana petition** vide AMS No. 472177 Dt.13.01.2020	It is pending for one year and is kept idle at the EE. The petition contents are the garbage disposal at Pulivagu of G. Kondu Vagu. The issue is pertaining to the irrigation Dept. and concerned Gram Panchayath of G. Konduru, the action is being taken by Grampanchayth and irrigation authorities, not the RWS dept. hence the petition is forwarded to the concerned MPDO, G. Konduru on 13.01.2020 at 07.03. AM by EE, RWS & S, on 26.09.2020, the Executive officer forwarded the same petition to EE, RWS for taking necessary action on the sanitation issue in G. Konduru. The grievance is pending on 8.01.2021, hence it is a lapse of EE, RWS & S in execution on the Spandana petition.
16.	Attested copy of Memo No. 68/ FI (2) /2006-1 dt. 10.01.2006 of Finance (works & projects) Department, Govt. of AP	It reveals that an **extension of time may not exist as of** the date of payments. (EOAT). (Did not pay the final payment to the contractors while EOAT is pending.)
17.	Cir. Memo No. AE2/DEE1/ 1966/Inspections/2018 dt. 19.11.2020 of O/o Chief Engineer, RWS & S, V & QC, Gollapudi, Vijayawada and GO RT NO. 1562 Dt. 5.10.2013 of PR & R (RWS.II.A) Dept.	It reveals that a final quality control check is compulsory on every work in RWS S Dept.
18.	Attested copy of GO MS No. 61 dt. 01.04.2014 of PR & R (PROGS.IA) Dept.	It reveals that above Rs. 5 lakhs contract works will be allotted through e-procurement or tender basis only
19.	Lr.No. A1/ ACB/Service Particulars /2020 dt 25.01.2021 of S.E, RWS & S Circle, Vijayawada and Lr. Rc.No. A1/SE/RWS & S/2022 Dt. 18.01.2023 of SE, RWS & S Circle, Vijayawada	It disclosed the **Job chart** of the officials/SOs of SE and the O/o EE, RWS & S Division Gudivada
20.	Letter of Veeraaya Techno Plast Pvt. Ltd, Kolamuru, Rajamundry, East Godavari Dist.	It reveals that Tax invoices vide Nos.1215, 1221,1225, 1227, 1228, and 069 of the year 2018 not issued by Veeraaya company to Bommineni Ramanjaneyulu,

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		Ongole, the site at Jakkampudi, K. Tadepalli, and Garapati Constructions, issued to the following. Invoice No / Date / Customer Name 1215 / 9-3-2018 / M Venkana Babu 1221 / 9-3-2018 / Grampanchayathi 1225 / 10-3-2018 / ITS Technodue India Pt Ltd. 1227 / 10-3-2018 / Madhu Aqua Forms 1228 / 10-3-2018 / Madhu Aqua Forms 0169 / 10-5-2018 / Sri Harsha Infra, Settipeta
21.	Lr No. A4/Service. Parti. DAO/2023 (ACB) Dt. 14.01.2023 of Executive Engineer, PRI Division, Ongole	Service particulars and Job Chart and joining report of Sri BVNSV Prasad, Divisional Accounts officer, RWS & S Division.
22.	Rule III -7 under Article- 125 of AP Financial Code Volume-I R/w G.O.Ms. No. 258, Dt.20.09.2013 of Finance (TFR) Department, Govt. of AP,	mandates materials/stores costing more than Rs.1,00,000 shall be procured through the e-procurement platform only,
23.	Attested copy of Reply submitted to SE, RWS, Vijayawada circle by Sri K. Nochan Kumar, Jr. Asst. RWS S, Vijayawada Division dt. 10.01.2023	It reveals that SO-1 Sri. D. Sainadh, EE, RWS, Vijayawada took away the office renovation file from his custody after ACB Check and was not handed over to him till 31.01.2021.
24.	Signed Statement of Sri D.Venkata Ramana S/o DVS Narayana, age 58 yrs, Superintendent Engineer, RWS & S, Vijayawada Circle,	It discloses **about Surprise Check conducted by ACB officials on 11.01.2021 and the other things that happened in O/o EE, RWS Division Vijayawada, Explains who is responsible for which records in the office and lapses in the sadi office records and discloses the violations in "New SVS at New SC Housing** Colony of K.Tadepalli (V)", Vijayawada Rural and **the annual inspections** etc., facts**.**
25.	Signed Statement of Sri Dhavaleswarapu Rama Linga Prasad S/o Veerabhadraiah, age 57 yrs, Executive Engineer, RWS & S (Projects) Division,	**It discloses about Surprise Check conducted by ACB officials on 11.01.2021 and the other things that happened in O/o EE, RWS Division**

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	Vijayawada, R/o Rythupeta, Nandigama, NTR Dist. Cell No. 9440147970.	**Vijayawada, Explains who is responsible for which records in the office and lapses in the said office records and discloses the violations in "New SVS at New SC Housing Colony of K.Tadepalli (V)", Vijayawada Rural and the annual inspections etc., facts.**
26.	Signed Statement of Sri Shaik Hussein Saheb S/o Masthan Saheb, age 53 yrs, Divisional Accounts officer (works) O/o Executive Engineer, Panchayath Raj & Rural Development, Vijayawada Division	**It discloses about Surprise Check conducted by ACB officials on 11.01.2021 and the other things that happened in O/o EE, RWS Division Vijayawada, Explains who is responsible for which records in the office and lapses in the sadi office records and discloses the violations in "New SVS at New SC Housing Colony of K.Tadepalli (V)", Vijayawada Rural and the annual inspections etc. facts**
27.	Signed Statement of Sri Movva Subhakar S/o Hemadri Rao, age 51 yrs, Class IV contractor, RWS & S Department, R/o D. No. 6-123/c, Near Hanuman Temple, Nidamanuru village, Vijayawada Rural, NTR Dist. Cell No. 9848632757.	➢ He is working as a class IV contractor in RWS & S Dept, Vijayawada Circle since the year 2013. he received the payment through SBI Cheque No. 656824 for Rs. 5,32,288/- dt. 9.8.2018, SBI cheque No. 642198, Rs. 50,600/- dt. 9.9.2018, SBI Cheque No. 566559, Rs. 68,700/- dt. 9.9.2018, SBI Cheque No. 566557, Rs. 45,020/- dt. 10.09.2018, total amount Rs. 6,96,608/-.for Renovation work of O/o RWS & S Division office, Vijayawada on nomination basis. But the E.E. did not pay the GST amount of 12 % of the total renovation works worth Rs. 6,96,608/- to him for onward paying the same 12% GST to Govt. ➢ He handed over DD No. 335581 dt. 6.5.2020 to EE as EMD for the work of the Drinking water pipe lane at Damuluru village, Ibrahimpatnam (M). but EE was not deposited in the official account in time, due to which PAO deducted the amount from him.
28.	Signed Statement of Sri Garapati Surya Kiran Kumar S/o Dasaradha Ramaiah, 45 Yrs,R/o Vibha Pride Apartments,	➢ During the year 2018, he took one contract work under an agreement value of Rs.28 Lakhs in Kothuru Tadepalli (V), from

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	Gandigunta (V), Vuyyuru Mandal, Krishna District:	RWS & S, Vijayawada. During the process of payment for the work done in the year 2017, recorded 6 invoices pertaining to HDPE pipes and got check measurements as well as a super check. Actually, the material was purchased during the time of VAT but they showed the same bills as purchased during SGST time. They entered the invoice bills in the M-Book by mentioning the date and month only with mentioning the year and did not pay the contract bills to him, due to which he incurred a loss of 18% input further the officials failed to pay the CGST and SGST, due to which he incurred a loss of Rs. 2 Lakhs.
29.	Signed Statement of Sri Potharlanka Rama Krishna S/o Koteswara Rao age 43 yrs, office Supdt., O/o EE, RWS & S, Project Division, Vijayawada. R/o D.No.67-46/1, TF1, Nalluri vari Street, Near NSM Public, School, Patamata, Vijayawada.	**It discloses about Surprise Check conducted by ACB officials on 11.01.2021 and the other things that happened in O/o EE, RWS Division, Vijayawada etc. facts**
30.	Signed Statement of Smt. Kosanam Rajya Lakshmi w/o Kopuri Bosubabu, age 37 yrs, Typist O/o EE, RWS & S, Project Division, Vijayawada, R/o D.No. 6-57, Moturu Road, Chowtapalli post, Gudivada (M), Krishna Dist. Cell No. 9908318447	**It discloses about Surprise Check conducted by ACB officials on 11.01.2021 and the other things that happened in O/o EE, RWS Division, Vijayawada, etc.facts**
31.	Signed Statement of Sri Bommineni Ramanjaneyulu, S/o Venkata Narasimha Rao, A/59 Years, Contractor, Endluru Village, S.N.Padu Mandal, Prakasam District, Cell No.9949777315.	On 30-10-2018 he completed new SVS at the New SC Housing colony of K.Tadepalli (V) of Vijayawada Rural Mandal of Krishna District as Sub-Contracter of M/s Garapati Constructions. He executed HDPE pipelines, GI pipelines, two sumps, valve chambers, air valves, and sluice valves. On 02-11-2018, he received the payment of Rs.19,39,448/- from M/s Garapati Constructions through my HDFC Bank A/c No. 5010022 6048661 and again received the balance amount of Rs. 2,75,000/- on 29-02-2020 through my Union Bank of India, A/C No.565101000034513. He raised the tax invoice on 03-11-2018 vide invoice No.BR-0010/2018-19 Net amount Rs. 21,29,075/- and CGST @ 6% Rs. 1,27,744.5/- and SGST @ 6% Rs.

		1,27,744.5/- total amount after adding tax Rs.23,84,565/- only.
32.	Signed Statement of Sri Ravi Kiran, Director, Veeraaya Techno Plast Pvt. Ltd, Rs.No. 491/1, Kolamuru, Rajanagaram (M), Rajahmundry, East Godavari Dist.	He verified the copies of Tax invoices vide Nos.1215, 1221,1225, 1227, 1228, and 0169 of the year 2018 said to have been issued by Veeraaya Techno Plast Pvt. Ltd. and found that they are not issued to Sri Bommineni Ramanjaneyulu, Ongole, the site at Jakkampudi, K. Tadepalli and Garapati Constructions. The authorized signature is also fake including the name and style of the tax invoice. their company was not issued the above invoices in the year 2018 and the above Numbers of invoices were issued to another five firms.
33.	Signed Statement of Sri Siyadri Sai Kumar S/o Narasimha Murthy, 28 yrs, Asst. Executive Engineer, Ragampeta, Rajamahendravaram Circle. R/o D.No. 19-2-1/308, Kambala cheruvu, Rajahmundry. Cell No. 9491110030.	the SE, RWS & S, Vijayawada allotted the construction work of "NEW SVS" at SC Housing colony, Kothuru Tadepalli village, Vijayawada Rural to Sri Garapati constructions for Rs. 28 lakhs and entered into an agreement. After completion of the above work, the file came forward to him for payment scrutiny. Then On 24.10.2018, he verified the file and made remarks in the note file as the quality control certificate was not enclosed and the asset handed-over certificate was not enclosed, the EOAT sanction was not accorded, and forwarded the file to EE, RWS & S, Vijayawada Division etc., facts.
34.	Signed statement of Sri Ede Nancharayya S/o Veeraiah, age 55 yrs, Asst. Executive Engineer, RWS & S, Vijayawada Rural, Vijayawada Division,	It revealed that after completion of the work, he forwarded work bills of New SVS at Kothhuru Tadepalli village, Vijayawada Rural to the Division office along with original invoices which were submitted by M/s Garapati constructions for payment through Divisional Engineer. After verifying the invoices and bill submitted by him, the Division office paid Rs. 24 lakhs to the contractor i.e M/s Garapati constructions. He did not submit invoices that were issued infovor of Sri Bommineni Ramanjaneyulu to the Division office.
35.	Signed statement of Sri Koka Nochan Kumar S/o Eswara Rao, age 41 yrs, Jr.Asst. RWS & S, Vijayawada Division,	It revealed that he received the work bills and original invoices which were submitted by M/s Garapati constructions for payment

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		through the Divisional Engineer for the work of New SVS at Kothhuru Tadepalli village, Vijayawada Rural through AEE and DEE, verified and audited and sent to Divisional Accounts officer for approval. After approval of DAO, EE also approved the bill, and payments of Rs.28 lakhs were given to M/s Garapati constructions. He presented the above work note file before the ACB officials on the date of the surprise check and identified that there are 6 xerox copies of invoices are existed in favor of M/s Garapati constructions and another 6 invoices existed in fovor of Sri Bommineni Ramanjaneyulu with same invoice numbers and dates and same materials and costs.
36.	Letter of Executive Engineer, RWS & S (P) Division, Vijayawada addressed a letter to The District Collector, Chairman & Managing Trustee, Vijayawada vide Letter No. Lr.No.A4/RWS & S/DMFT/2021, dt. 15-02-2021.	i) It reveals that the Executive Engineer, RWS & S (P), Division, Vijayawada requested the District Collector, Charman & Managing Trustee, Vijayawada vide Letter No. Lr.No.A4/RWS & S/DMFT/2021, dt. 15-02-2021. duly submitted the three work bills which are under DMFT (District Mineral foundation Trust) grant namely 1. Providing RO plant at Gopalapuram of A.Konduru Mandal, 2. Providing RO Plant at Kummarikuntla of A. Konduru Mandal, 3. Providing RO plant at NTR colony in Kachavaram Village of Ibrahimpatnam Mandal.

any documents found to be relevant will be furnished during the enquiry.

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ANNEXUURE-IV

LIST OF WITNESSES BY WHICH THE ARTICLES OF CHARGES AGAINST SRI BELLAM KONDA VENKATA NAGA SURYA VARA PRASAD, THE THEN DAO(W) GRADE-II, PRI DIVISION, VIJAYAWADA AND DAO(W) GRADE-II, RWS&S DIVISION, VIJAYAWADA (FAC) AND NOW WORKING AS DAO(W) GRADE-II, O/O EE, PRI DIVISION, ONGOLE.

The following oral evidence is available on record.

S No	Name and address of the witness	Gist of the statement
1.	Sri Kancherla Ambedkar, S/o K. Bhaskara Rao, 53 years, Assistant Audit Officer, O/o the Asst. Audit Officer, State Audit (MPP), Machilipatnam, Krishna District R/o F-6, Sangeeta Apartment, Near Babu Textiles, Gayatrinagar, Vijayawada- Cell No. 9959587067, (Mediator-I).	They speak about their presence as mediators and the things that happened during the Surprise Check in the O/o RWS & S, Gudivada Division, Krishna Dist, i.e., on 11.01.2021 etc. facts.
2.	Sri Pulapaka Vijaya Bhaskara Rao, S/o Ranga Rao, 54 years, Senior Auditor, O/o the Asst. Audit Officer, State Audit (MPP), Machilipatnam, Krishna District R/o D.No.11-154, behind TIME Hospital, Kanuru, Penmaluru Mandal, Vijayawada Cell No. 9440105325 (Mediator-II).	
3.	Sri D.Venkata Ramana S/o DVS Narayana, age 58 yrs, Superintendent Engineer, RWS & S, Vijayawada Circle, R/o Flat No.404-1, Jyothi Apartment, Ashramam street, opp: Akasavani, Labbipeta, Vijayawada Cell No. 9347843567. N/o Thammaiahpeta, Jalumuru (M), Srikakulam Dist.	He speaks after verification of his office records that ➢ Government Servant **failed to properly scrutinize the invoices, M.Books, quality controls checks, and EOAT proceedings and processed the file without scrutiny, and made part payment, released the withheld amount even though the AE, Sri S. Saikumar made remarks** in the work the new single village scheme (SVS) at the New SC Housing Colony of K. Tadepalli Village of Vijayawada Rural Mandal. ➢ **failed to properly scrutinize the invoices, M.Books, and made the payment, for renovation works of the office of Executive Engineer**

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		➢ , in the year 2018, costing more than 5.00 Lakhs and paid the total amount Rs. 6,96,608/- to Sri Movva Subhakar, Contractor, Vijayawada. The amount was paid under labor charges of **renovation** vide voucher No.07 of 18-19, dt.27.08.2018, CGST and SGST were not paid, and also income tax was not deducted. ➢ **failed to stop the payments made for five numbers of outsourcing Data entry operators** engaged by Sri D. Sainadh, Executive Engineer at RWS & S Vijayawada Division office, Vijayawada The Govt. Servant failed to supervise his staff resulting in improper maintenance of office records ➢ **failed to supervise his staff** resulting which the handing over of Supdt. charge, official records, and statutory recoveries such as Income Tax and GST have not been maintained properly i.e Sri P. Rama Krishna, Superintendent joined in the office of the EE on 16-12-2020, but **the charge of the post of superintendent was not handed over** to him till 11.01.2021 by the Govt. Servant. **Income tax was not deducted** from the contractor towards the purchase of the New Computer System vide bill No. VJA 1819/12212, DT.28.07.2018. An amount of **Rs.5,322**/- is not deducted as of 01.11.2021 and is to be deducted as Income Tax which is a loss to the Government.
4.	Sri Dhavaleswarapu Rama Linga Prasad S/o Veerabhadraiah, age 57 yrs, Executive Engineer, RWS & S (Projects) Division, Vijayawada, R/o Rythupeta, Nandigama, NTR Dist. Cell No. 9440147970.	He corroborates LW. 3, Sri D.V. Ramana, Superintending Engineer in all the procedural aspects and material aspects

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5.	Sri Shaik Hussein Saheb S/o Masthan Saheb, age 53 yrs, Divisional Accounts officer (works) O/o Executive Engineer, Panchayath Raj & Rural Development, Vijayawada Division R/o Flat No. 404, Teja Grand Apartment, Housing Board Extension, Gunturu N/o Timmasamudram, Prakasam Dist. Cell No. 9948345990.	He corroborates LW. 3, Sri D.V. Ramana, Superintending Engineer in all the procedural aspects and material aspects
6.	Sri Movva Subhakar S/o Hemadri Rao, age 51 yrs, Class IV contractor, RWS & S Department, R/o D. No. 6-123/c, Near Hanuman Temple, Nidamanuru village, Vijayawada Rural, NTR Dist. Cell No. 9848632757.	He completed the renovation works of the office of the Executive Engineer, but nonpayment of GST amount of 12 % of the total renovation works worth Rs. 6,96,608/- to him for onward paying the same 12% GST to Govt., about not depositing the EMD amount of Rs. 10,700/- in the official account, etc. facts.
7.	Sri Garapati Surya Kiran Kumar S/o Dasaradha Ramaiah, 45 Yrs, R/o Vibha Pride Apartments, Gandigunta (V), Vuyyuru Mandal, Krishna District	He speaks about the happenings that happened in the work of the new single village scheme (SVS) at the New SC Housing Colony of K. Tadepalli Village of Vijayawada Rural Mandal, etc. facts.
8.	Sri Potharlanka Rama Krishna S/o Koteswara Rao age 43 yrs, office Supdt., O/o EE, RWS & S, Project Division, Vijayawada. R/o D.No.67-46/1, TF1, Nalluri Vari Street, Near NSM Public, School, Patamata, Vijayawada.	He was present in the O/o EE on 11.01.2021, while Surprise Check along with their office staff Sri K.Nochan Kumar, Jr. Asst., Sri BVNSV Prasad, DAOr, Sri E. Nancharayya, AEE, Smt. M. Sravanthi, AEE, Smt K. Rajya Lakshmi, Typist, Smt. K. Anitha, Sr. Asst., AVN Saritha, Site Engineer, Sri Y. suneeth Kumar, DEO, Smt. T. Bharathi, DEO, Smt. K.Ramadevi, DEO, Sri Vanguru Yaswith and speak about the verification of records by ACB officials relating to "New SVS SC Housing Colony, Kotturu Tadepalli", Vijayawada Rural, and some other official records and seizure of some records for their enquiry, etc. facts.
9.	Smt. Kosanam Rajya Lakshmi w/o Kopuri Bosubabu, age 37 yrs, Typist O/o EE, RWS & S, Project Division, Vijayawada, R/o D.No. 6-57, Moturu Road, Chowtapalli post, Gudivada (M), Krishna Dist. Cell No. 9908318447	She corroborates LW.10 Sri Potharlanka Rama Krishna

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10.	Sri Bommineni Ramanjaneyulu, S/o Venkata Narasimha Rao, A/59 Years, Contractor, Endluru Village, S.N.Padu Mandal, Prakasam District, Cell No.9949777315	He speaks that as per the request of Sri Garapati Surya Kiran Kumar on 30-10-2018 he completed new SVS at the New SC Housing colony of K.Tadepalli (V) of Vijayawada. He raised the tax invoice on 03-11- 2018 vide invoice No.BR-0010/2018-19 Net amount Rs.21,29,075/- and CGST @ 6% Rs. 1,27,744.5/- and SGST @ 6% Rs. 1,27,744.5/- total amount after adding tax Rs.23,84,565/- only. He filed the GSTR-1 on 21-12-2018. , etc. facts.
11.	Sri Ravi Kiran, Director, Veeraaya Techno Plast Pvt. Ltd, Rs.No. 491/1, Kolamuru, Rajanagaram (M), Rajahmundry, East Godavari Dist.	He speaks that the Tax invoices vide Nos.1215, 1221,1225, 1227, 1228, and 069 of the year 2018 are said to have been issued by Veeraaya Techno Plast Pvt. Ltd. not issued by their company to Bommineni Ramanjaneyulu, Ongole and Garapati Constructions which were used in SVS, Kotturu Tadepalli, Vijayawada Rural. The authorized signature on the invoices is also not signed by him, etc. facts.
12.	Sri Siyadri Sai Kumar S/o Narasimha Murthy, 28 yrs, Asst. Executive Engineer, Ragampeta, Rajamahendravaram Circle. R/o D.No. 19-2-1/308, Kambala cheruvu, Rajahmundry. Cell No. 9491110030.	He speaks that on 24.10.2018, he verified the file of the new SVS, Kothuru Tadepalli and made remarks in the note file as the quality control certificate was not enclosed and the asset handed-over certificate was not enclosed, the EOAT sanction was not accorded and forwarded the file to EE, RWS & S, Vijayawada Division etc., facts.
13.	Sri K. Happy Krupavandanam, Inspector-I, ACB, Vijayawada Range, Vijayawada	To speak to the facts about Surprise Check dated. 11-01-2021, etc. facts.
14.	Sri B.Srinivas, Dy. Supdt. of Police, ACB, Vijayawada Range, Vijayawada.	To speak to the facts about Surprise Check dated. 11-01-2021, etc. facts.
15.	Sri P. Sarath Babu, Dy. Supdt. of Police, ACB, Vijayawada Range, Vijayawada.	To speak to the facts about Surprise Check dated. 11-01-2021 and submitting Surprise Check Report and DACs, etc., facts.

If any witness is found to be relevant will be produced during the enquiry.

B RAJSEKHAR
SPECIAL CHIEF SECRETARY TO GOVERNMENT

SECTION OFFICER